

## Washington, Thursday, September 2, 1943

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## TITLE 6—AGRICULTURAL CREDIT

Chapter I—Farm Credit Administration

[Farm Credit Administration Order 384 (2) (1)]

Part 70—Loan Interest Rates and Security

LOANS UPON SECURITY OF COMMODITY CREDIT CORPORATION COTTON LOAN DOCUMENTS

Interest rates on loans made pursuant to provisions of subsection (a) of section 8 of the Agricultural Marketing Act, as amended, upon the security of Commodity Credit Corporation cotton loan documents.

Section 70.81 is amended and Section 70.81-50 is added to Title 6, Code of Federal Regulations to read as follows:

§ 70.81 Interest rate on continental commodity loans. Except as specified in § 70.81-50, the rate of interest on all loans upon the security of commodities made on or after February 24, 1939, by any district bank for cooperatives, the Central Bank for Cooperatives, or from the Revolving Fund authorized by the Agricultural Marketing Act (Sec. 7, 46 Stat. 14; 12 U.S.C. 1141e), as amended, for the purposes specified in section 7 (a) (1) of that act, shall be 1½ per centum per annum. (Sec. 11, 49 Stat. 316; 12 U.S.C. and Sup. 1141f)

§ 70.81-50 Interest rate on loans secured by Commodity Credit Corporation cotton loan documents. The rate of interest on loans made on or after August 17, 1943 by any district bank for cooperatives or the Central Bank for Cooperatives upon the security of Commodity Credit Corporation loan documents representing cotton qualified as security for loans under Commodity Credit Corporation cotton loan programs, with the exception of the certification that the cotton has been classed by a Board of Cot-

ton Examiners, shall be 0.75 per centum per annum.

(Sec. 8, 46 Stat. 14, as amended; 12 U.S.C. 1441f)

[SEAL]

J. E. WELLS, Jr., Acting Governor.

[F. R. Doc. 43-14328; Filed, September 1, 1943; 11:56 a. m.]

[Farm Credit Administration Order 384 (4)]

### PART 71-LOAN POLICIES

LENDING LIMITS FOR EACH DISTRICT DAMAS FOR COOPERATIVES

Section 71.3 of Title 6, Code of Federal Regulations is hereby amended to read as follows:

§ 71.3 Division of lending authority between the Central Bank for Cooperatives and the district banks for cooperatives. Except with the written approval of the Cooperative Bank Commissioner, the lending limits of each district bank for cooperatives are hereby fixed, as to each borrower, so that at any one time:

1. Facility loans may not exceed 10 percent of a bank's capital and surplus;

 Operating capital loans may not exceed 15 percent of a bank's capital and surplus;

3. Commodity loans may not exceed 25 percent of a bank's capital and surplus:

plus;
4. The sum of facility loans and operating capital loans may not exceed 15 percent of a bank's capital and sur-

5. The sum of facility loans, operating capital loans, and commodity loans may not exceed 25 percent of a bank's capital and surplus.

The district bank shall request the Central Bank for Cooperatives to participate in the extension of credit for amounts which exceed the lending limits set forth above, and, except when otherwise

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agreed, such participation shall take place in the following order: First, com-
modity loans: second, operating capital
loans; and third, facility loans. The pro-
visions of this section shall not apply

to loans secured by Commodity Credit Corporation cotton loan documents. Nothing contained in this section shall be construed to prevent a district bank for cooperatives from requesting the Central Bank for Cooperatives to participate in the extension of credit to any borrower before its 'lending limits are reached.

(Sec. 38, 48 Stat. 264, as amended; 12 U.S.C. 1134j)

J. E. Wells, Jr., Acting Governor.

[F. R. Doc. 43-14329; Filed, September 1, 1943; 11:55 a. m.]

## TITLE 7—AGRICULTURE

Chapter VII—War Food Administration
(Agricultural Adjustment)

[ACP-1943-191

PART 701—AGRICULTURAL CONSERVATION PROGRAM

FARM PRODUCTION ALLOWANCE IN DESIGNATED SOUTHERN STATES

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, and in the War Food Administrator by Executive Order No. 9322 as amended by Executive Order No. 9334, the 1943 Agricultural Conservation Program, as amended, is further amended as follows:

Section 701.405 (e) (5), Alabama, Arkansas (i), Georgia (i), and Mississippi (i) and (ii) (a), are amended to read as follows:

- § 701.405 Production practice goals, allowances, practices and rates of payment. \* \*
- (e) Farm, production practice allow-
- (5) Farms in the southern region.

#### Alabama

(i) The allowance for seeding winter legumes shall be the extent of such practice times the approved rate therefor.

(ii) The allowance for other practices shall be the sum of the following:

- (a) \$1.00 per acre of cropland on the farm:
- (b) 25 cents per acre of fenced noncrop-open pasture land on the farm in 1942.
- (c) \$1.50 per acre of commercial orchards (excluding tung orchards) on the farm in 1942.
- (d) The smaller of \$5.00 per acre of tung orchards (excluding old nonbearing orchards) or the amount earned by carrying out in tung orchards production practices designated by the regional director and approved by the Agricultural Adjustment Agency.

## Arkansas

(i) The allowance for establishing and improving permanent pasture, developing a continuous system of grazing, contour ridging pasture land, construction of terraces and outlets, establishing vegetative waterways, and seeding winter legumes shall be the extent of such practices times the approved rates therefor.

## Georgia

(i) The allowance for establishing a stand of lespedeza sericea; establishing a permanent vegetative cover of kudzu; establishing a permanent pasture by sodding and seeding; establishing a permanent pasture by seeding; clearing, cleaning up, and preparing for the establishment of permanent pasture; construction of standard terraces; and seeding winter legumes, shall be the extent of such practices times the approved rates therefor.

\*

## Mississippi

(i) The allowance for establishing permanent pasture; establishing perennial grasses; seeding legumes on established perennial grasses; clearing, cleaning up, and preparing for the establishment of permanent pasture; establishing pasture legumes; establishing supplemental winter grazing crops; construction of terraces; and establishing permanent waterways shall be the extent of such practices times the approved rates therefor.

(ii) The allowance for other practices shall be the sum of the following:

(a) \$1.00 per acre of cropland on the farm in excess of the sum of the special crop allotments and the cropland in commercial tung orchards and young nonbearing tung orchards.

Done at Washington, D. C., this 31st day of August 1943.

[SEAL] MARVIN JONES, War Food Administrator.

[F. R. Doc. 43-14320; Filed, September 1, 1943; 11:57 a. m.]

## PART 727-FLUE-CURED TOBACCO

L'ARKETING QUOTA REFERENDUM FOR THREE MARKETING YEARS DEGINNING JULY 1, 1944

Pursuant to the authority vested in the Secretary of Agriculture by section 312 of the Agricultural Adjustment Act of 1938, as amended, and in the War Food Administrator by Executive Order No. 9322, as amended by Executive Order No. 9334, it is hereby proclaimed, that:

§ 727.602 Results of referendum. In a referendum of farmers engaged in the production of the 1943 crop of flue-cured tobacco held July 24, 1943, 143,510 farmers voted. Of those voting, 125,685 or 87.6 percent favored quotas for a period of three years beginning July 1, 1944: 4,383 or 3.1 percent favored quotas for one year beginning July 1, 1944; and 13,442 or 9.3 percent were opposed to quotas. Therefore, the national marketing quota of 714,000,000 pounds proclaimed by the War Food Administra-tor on July 13, 1943, for flue-cured tobacco for the 1944-45 marketing year will be in effect for such year and marketing quotas on flue-cured tobacco will be in effect for the three marketing years beginning July 1, 1944.

(Sec. 312, 52 Stat. 46; 7 U.S.C. Supp. V; 1312; as amended by Public No. 628, 76th Congress, approved June 13, 1940)

Done at Washington, D. C., this 31st day of August 1943.

Marvin Jones, War Food Administrator.

[F. R. Doc. 43-14327; Filed, September 1, 1943; 11:57 a. m.]

Chapter XI—War Food Administration (Distribution Orders)

[FDO 70, Amdt. 1] .

PART 1470—FOOD STORAGE FACILITIES
REFRIGERATED FOOD STORAGE FACILITIES

Food Distribution Order No. 70, § 1470.1, issued by the War Food Admin-

istrator on July 31, 1943 (8 F.R. 16763), is amended as follows:

- 1. By amending (a) (3) thereof to read as follows:
- (3) The term "restricted commodities" means any commodity not to be placed in refrigerated storage as designated by the Director.
- 2. By amending (b) (1) thereof to read as follows:
- Receive for storage in such facility restricted commodities.
- 3. By amending (b) (2) thereof to read as follows:
- (2) Retain in storage in such facility restricted commodities after the expiration of the current storage month applicable to each item or lot of commodities in storage: Provided, That a minimum period of six days, excluding Sunday, after the effective date of this order shall be allowed in which to remove all such commodities from such facilities.

This order shall become effective 12:01 a.m., e. w. t., September 2, 1943. With respect to violations, rights accrued, or llabilities incurred prior to the effective date of this amendment, Food Distribution Order No. 70 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 FR. 10179; E.O. 9322, 8 FR. 3807; E.O. 9334, 8 FR. 5423)

Issued this 31st day of August 1943.

Marvin Jones,
War Food Administrator.

[F. R. Doc. 43-14322; Filed, September 1, 1943; 11:55 a. m.]

## [FDO 70-1, Amdt. 1]

PART 1470—FOOD STORAGE FACILITIES

DESIGNATION OF RESTRICTED COMMODITIES
AND REQUIREMENT OF REPORTS

Pursuant to the authority vested in me by Food Distributor Order No. 70 dated July 31, 1943 (8 F.R. 10703), as amended, Director Food Distribution Order No. 70-1, dated July 31, 1943 (8 F.R. 10704), is amended to read as follows:

- § 1470.2 Restricted commodities designated and reports required—(a) Definitions. The definitions contained in Food Distribution Order No. 70, as amended, shall apply to this order and when used in this order, unless otherwise distinctly expressed or manifestly incompatible with the intent thereof:
- (1) The term "net piling space" means the space available for the storage of commodities; i. e., the space inside rooms measured from wall to wall and floor to ceiling, minus the actual space provided for ventilation outside of the piling space and space occupied by coils, aisles, posts, and for proper clearance of ceiling sprinklers.
- (2) The term "freezer space" means any space in a refrigerated storage facility held at a temperature of 29 degrees Fahrenheit or lower.

<sup>&</sup>lt;sup>1</sup>Subpart E, 1943.

(3) The term "cooler space" means any space in a refrigerated storage facility held at a temperature between 30 and 50 degrees Fahrenheit

(b) Designation of restricted commod-ities. The following are designated as restricted commodities not to be placed in refrigerated storage:

Evaporated milk.

Canned condensed milk.

Dried skim milk.

- (4) Dried whole milk in gas filled hermetically sealed containers.
  - (5) Sterile canned meats. (6) Canned processed ob
  - Canned processed cheese. (7) All types of flour and dry cereals.
- (8) Canned fruits and vegetables except citrus concentrates.
  - (9) Beer, wines, and liquors.
- (c) Records and reports. Any person operating a refrigerated storage facility
- (1) Within ten days after the effective date hereof report to the Director of Food Distribution, War Food Administrator, Washington 25, D. C., Ref. FD 70, on Form FDO 70-1, the following information:
- (i) A list of all commodities designated in paragraph (b) hereof held by such person in a refrigerated storage facility on the effective date of Food Distribution Order 70, the quality of each, and the date on which the current storage month of each commodity or lot expires.
- (2) Within three working days after the first and fifteenth day of each month following the effective date hereof report to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref. FD 70, on Form FDO 70-2, the number of cubic feet of cooler and freezer space occupied, for all purposes, as of the first and fifteenth day of each month.

(3) The reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the

Federal Reports Act of 1942.
(d) Effective date. This order shall become effective at 12:01 a. m., e. w. t., on the 2d day of September 1943. With respect to violations, rights accrued, or liabilities incurred prior to the effective date of this amendment, Director's Food Distribution Order No. 70-1 shall be deemed to be in full force and effect for the purpose of sustaining any proper suit, action, or other proceeding with respect to any such violation, right, or liability.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423; FDO-70, 8 F.R. 10703)

Issued this 31st day of August 1943. ROY F. HENDRICKSON, Director of Food Distribution.

[F. R. Doc. 43-14325; Filed, September 1, 1943; 11:58 a. m.]

## [FDO 78]

PART 1460-FATS AND OILS CONSERVATION AND DISTRIBUTION OF PEANUTS AND PEANUT BUTTER

The fulfillment of requirements for the defense of the United States will result in a shortage in the supply of peanuts and peanut butter for defense, for

private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

- § 1460.29 Restrictions on the use and consumption of peanuts and peanut butter—(a) Definitions. (1) "Persons" means any individual, partnership, association, business trust, corporation, or any organization of persons, whether incorporated or not.
- (2) "Peanuts" means peanuts which have been cleaned, shelled, or otherwise processed.
- (3) "Calendar quarter" means a period of three consecutive calendar months beginning January 1, April 1, July 1, or October 1.
- (4) "Quota" means, according to the context, the quantity of peanuts which a person is permitted to use or consume in any class of use set forth in Schedule "A" of paragraph (b) hereof, in any calendar quarter, or part thereof, pursuant to the provisions of paragraph (b) hereof, or the quantity of peanut butter which a person is permitted to use or consume in any class of use set forth in Schedule "B" of paragraph (c) hereof, in any calendar quarter, or part thereof, pursuant to the provisions of paragraph (c) hereof.
- (5) "Director" means the Director of Food Distribution Administration, War Food Administration.
- (b) Restrictions on the use and consumption of peanuts. Except as provided in paragraphs (d) (e), and (f) hereof, on or after October 1, 1943, no person shall, in any calendar quarter, use or consume peanuts in any class of use listed in Schedule A below, in excess of a quantity equal to the percentage specified in such Schedule A of his quarterly use or consumption of peanuts in such class of use during the corresponding calendar quarter of 1942. From the effective date of this order to October 1, 1943, no person shall use or consume peanuts in any class of use listed in Schedule A below, in excess of a quantity equal to one-third of the percentage specified in such Schedule A of his quarterly use or consumption of peanuts in such class of use during the calendar quarter beginning on July 1, 1942. All quotas hereunder in any class of use, except the manufacturer of roasted peanuts in the shell, shall be computed by weight on a shelled basis.

## SCHEDULE A

Class of use:	Permitted percentage
Manufacture o	of peanut butter 140
Manufacture	of confections 100
Manufacture o	of bakery goods 100
Manufacture	of other products con-
taining pea	nuts 100
Manufacture	of salted, fried, or other-
wise cooked	peanuts 100
Manufacture o	of roasted peanuts in the.
shell	100

(c) Restrictions on the use and consumption of peanut butter. Except as hereof, on or after October 1, 1943, no provided in paragraphs (d), (e), and (f) person shall, in any calendar quarter, use or consume peanut butter in any class of use listed in Schedule B below, in excess of a quantity equal to the percentage specified in such Schedule B of his quarterly use or consumption of peanut butter in such class of use during the corresponding calendar quarter of 1942. From the effective date of this order to October 1, 1943, no person shall use or consume peanut butter in any class of use listed in Schedule B below, in excess of a quantity equal to one-third of the percentage specified in such Schedule B of his quarterly use or consumption of peanut butter in such class of use during the calendar quarter beginning on July 1, 1942.

#### SCHEDULE B

Permitted percentage Class of use: Manufacture of confections\_\_\_\_\_\_100
Manufacture of bakery goods\_\_\_\_\_100
Manufacture of other products containing peanut butter\_\_\_\_\_ 100

- (d) Exceptions. (1) The restrictions contained in paragraph (b) hereof, shall not apply, in any calendar quarter, to any person whose use or consumption of peanuts, in such calendar quarter, is less than 1,000 pounds: Provided, That his use or consumption of peanuts and peanut butter in the aggregate in such calendar quarter is less than 1,000 pounds.
- (2) The restrictions contained in paragraph (c) hereof, shall not apply, in any calendar quarter, to any person whose use or consumption of peanut butter, in such calendar quarter, is less than 1,000 pounds: Provided, That his use or consumption of peanut butter and peanuts in the aggregate in such calendar quarter is less than 1,000 pounds.
- (e) Unused quotas. If, in any calendar quarter, any person does not use or consume in any class of use his quota of peanuts or peanut butter, he may use or consume the unused part of such quota in such class of use only in the following calendar quarter, and then only if he has first used or consumed his regular quota of peanuts or peanut butter for such class of use in that calendar quarter.
- (f) Ex-quota uses. Nothing in paragraphs (b) and (c) hereof, shall restrict the use or consumption of peanuts or peanut butter in the manufacture of any product set forth in Schedule A of paragraph (b) of Schedule B of paragraph (c) hereof, which is to be delivered
- (1) The Army, Navy, Marine Corps, or Coast Guard of the United States;
- (2) The Food Distribution Administration, War Food Administration (including, but not restricted to, the Federal Surplus Commodities Corporation);
- (3) The War Shipping Administration;
  - (4) The Veterans' Administration;
- (5) Any contract school or ship operator, as defined in Food Distribution Regulation 2 (8 F.R. 7523);
- (6) Any other instrumentality or agency designated by the War Food Administrator;
- (7) Any person for use or consumption in the manufacture of any product to be delivered to any of the persons or agencies named in (1), (2), (3), (4), (5), and (6) of this paragraph (f); or

(8) Any wholesaler or jobber for delivery to any of the persons or agencies named in (1), (2), (3), (4), (5), or (6), of this paragraph (f): Provided, however. That the use or consumption of peanuts or peanut butter in the manufacture of any product to be delivered to the persons named in (7) or (8) of this paragraph (f) shall be exempt from the restrictions of paragraphs (b) and (c) hereof, only when supported by a certificate. The certificate shall state the name of the person supplying such peanuts or peanut butter; the kind and quantity of the final product containing the peanuts or peanut butter; the name of the person manufacturing the final product; the amount of peanuts or peanut butter required for the manufacture of the final product; and that the final product is for delivery to one of the persons or agencies named in (1), (2), (3), (4), (5), or (6) of this paragraph (f). Where the final product is to be delivered to a contract school, the certificate shall also state that the product is to be used for the feeding of personnel of the Army, Navy, Marine Corps, or Ceast Guard, pursuant to a contract with a government agency; and where the final product is to be delivered to a ship operator, the certificate shall state that the final product is to be used for feeding aboard vessels operated by such ship operator under a contract with the War Shipping Administration. The certificate shall be issued to the person having the prime contract with the persons or agencies named in (1), (2), (3), (4), (5), or (6) of this paragraph (f). Where the final product is to be delivered to an agency named in (1), (2), (3), or (4) of this paragraph (f), the certificate shall be issued by the Quartermaster General of the Army, the Chief of the Bureau of Supplies and Accounts or the Chief of Naval Personnel of the Navy, the Commandant of the United States Marines. the Director, the Administrator of the War Shipping Administration, the Director of the Veterans Administration, or the duly authorized representative of any of them. With respect to deliveries to contract schools or ship operators, the certificate shall be issued by the contract school or ship operator who is to accept delivery of the final product, and shall be approved by an officer of the Army, Navy, Marine Corps, or Coast Guard. when issued by a contract school, and by a duly authorized representative of the Administrator of the War Shipping Administration, when issued by a ship operator. Where the delivery of the final product is made to an instrumentality or agency designated by the War Food Administrator pursuant to (6) of this paragraph (f), the certificate shall be issued as the War Food Administrator shall direct. The prime contractor shall furnish a copy of such certificate, certified by him to be true and correct, to the person from whom he obtains the final product, and such certified copy shall be transmitted through trade channels to the person named thereon as being the supplier of the peanuts or peanut butter used or consumed in the manufacture of the final product. However, where a person named in (7) of this paragraph (f) delivers a final product to a person named in (8) of this paragraph (f), a certified copy of the certificate shall be furnished by the prime contractor for both the person who manufactures the final product and the supplier of the peanuts or peanut butter used in the manufacture of such product. Any person claiming that his use or consumption of peanuts or peanut butter is quota exempt under the provisions of this paragraph (f) shall retain the certified copy of the certificate supporting such claim for exemption for at least two years after such use or consumption, or for such other period of time as the Director may hereafter direct. Peanuts or peanut butter used or consumed in compliance with the provisions of this paragraph (f) shall not be charged against any quota of any person so using or consuming such peanuts or peanut butter, and any peanuts or peanut butter used or consumed, in the calendar year 1942, in the manufacture of a product ultimately delivered to any of the persons or agencies named in (1), (2), (3), (4), (5), or (6) of this paragraph (f), shall not be included in determining any quota pursuant to paragraphs (b) and (c) hereof.

(g) Records and reports. (1) Every person who, in any calendar quarter in 1942, used or consumed 1,000 pounds or more of peanuts, or 1,000 pounds or more of peanut butter, or 1,000 pounds or more of peanuts and peanut butter in the aggregate, shall, not later than thirty days following the effective date of this order, report to the Chief, Fats and Olls Branch, Food Distribution Administration, War Food Administration, Washington 25, D. C., on Form FDO 78-1, or such other forms as the Director may prescribe, his use or consumption of peanuts during each calendar quarter of 1942, in the several classes of use listed under Schedule A of paragraph (b) hereof, and his use or consumption of peanut butter during each calendar quarter of 1942, in the several classes of use listed under Schedule B of paragraph (c) hereof. Report forms may be obtained from the Regional Offices of the Food Distribution Administration, War Food Administration (8 F.R. 9315. 11198).

(2) The Director shall be entitled to obtain such information from, and require such reports and keeping of such records by, any person, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(3) Every person subject to this order shall, for at least two years (or for such period of time as the Director may designate), maintain an accurate record of his transactions in peanuts or peanut butter.

(4) The record-keeping and reporting requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942. Subsequent record-keeping or reporting requirements will be subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942.

(h) Audits and inspections. The Director shall be entitled to make such audit or inspection of the books, records and other writings, premises or stocks of peanuts or peanut butter of any person, and to make such investigations, as may be necessary or appropriate, in his discretion, to the enforcement or administration of the provisions of this order.

(i) Petition for relief from hardship. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship on him, may file a petition for relief in writing with the Director, addressed as follows: Director of Food Distribution, War Food Administration, Washington 25, D. C. Reference FDO 78. Such petition shall set forth all pertinent facts and the nature of the relief sought. The Administrator of this order shall then act upon the petition. In the event that the petitioner is dissatisfied with the action taken by the Administrator of this order, he may request a review of such action by the Director whose decision with respect to the relief sought shall be final.

(j) Violations. The War Food Administrator may, by suspension order, prohibit any person who violates any provision of this order from receiving, making any deliveries of, or using peanuts or peanut butter, or any other material subject to priority or allocation control by the War Food Administrator, and may recommend that any such persons be prohibited from receiving, making any deliveries of, or using materials subject to the priority or allocation control of other governmental agencies. In addition, any person who wilfully violates any provision of this order is guilty of a crime and may be prosecuted under any and all applicable laws. Further, civil action may be instituted to enforce any liability or duty created by, or to enjoin any violation of, any provision of this order.

(I:) Communications. All reports required to be filed hereunder and all communications concerning this order shall, unless instructions to the contrary are issued by the Director, or otherwise provided herein, be addressed to the Director of Food Distribution, War Food Administration, Washington 25, D. C., Ref: FDO 78.

(1) Delegation of authority. The administration of this order and the powers vested in the War Food Administrator, insofar as such powers relate to the administration of this order, are hereby delegated to the Director. The Director

is authorized to redelegate any or all of the authority vested in him by this order to any employee of the United States Department of Agriculture.

(m) Territorial extent. This order shall apply only to the forty-eight States of the United States and the District of Çolumbia.

(n) Effective date. This order shall become effective 12:01 a. m. E. W. T., September 1, 1943.

(E.O. 9280, 7 F.R. 10179; E.O. 9322, 8 F.R. 3807; E.O. 9334, 8 F.R. 5423)

Issued this 31st day of August 1943.

MARVIN JONES, Acting War Food Administrator.

[F. R. Doc. 43-14323; Filed, September 1, 1943; 11:55 a. m.l.

Chapter XII-War Food Administration [F. R. Doc. 43-14101; Filed, August 31, 1943; (Commodity Credit Orders)

[FDO 17, Amdt. 3]

PART 1407-DRIED FRUIT

RAISIN VARIETY GRAPES, ZANTE CURRANT GRAPES, RAISINS, AND ZANTE CURRANTS

Pursuant to the provisions of Executive Order No. 9280, dated December 5, 1942, and Executive Order No. 9322, dated March 26, 1943, as amended by Executive Order No. 9334, dated April 19, 1943, and in order to assure an adequate supply and efficient distribution of raisin variety grapes, Zante currant grapes, raisins, and Zante currants to meet war and essential civilian needs; It is hereby ordered. That Food Distribution Order No. 17, issued by the Secretary of Agriculture on January 30, 1943, as amended (8 F.R. 5793), § 1407.2 be, and the same hereby is, further amended as follows:

- 1. By adding to (b) thereof the following:
- (7) No dehydrator shall convert any raisin variety grapes into raisins by any , method other than sun drying unless specifically authorized by the Director.
  - 2. By deleting the provisions of (e) and inserting in lieu thereof the following:
  - (e) Petition for relief from hardship. Any person affected by this order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may file a petition for relief with the Regional Director, Food Distribution Administration, War Food Administration, 821 Market Street, San Francisco 3, California. Petitions for such relief shall be in writing, and shall set forth all pertinent facts and the nature of the relief sought. If such person is dissatisfied with the action taken on the petition by the Regional Director, he may, by requesting the Regional Director therefor, secure a review

of such action by the Director. The Director may, after such review, take such action as he deems appropriate, and such action shall be final.

- 3. By deleting the provisions of (g) and inserting in lieu thereof the following:
- (g) Communications. All reports required to be filed hereunder and all communications concerning this order shall be addressed to the Regional Director, Food Distribution Administration, War Food Administration, 821 Market Street, San Francisco 3, California, Ref: FD 17.

This order shall become effective at 12:01 a. m., e. w. t., September 2, 1943. (E.O. 9280, 7 F.R. 10179; E.O. 9322, 8

Issued this 31st day of August 1943. MARVIN JONES. War Food Administrator.

F.R. 3807; E.O. 9334, 8 F.R. 5423)

4:04 p. m.]

## TITLE 29—LABOR

Chapter VI-National War Labor Board

PART 803-GENERAL ORDERS

AUTHORIZATION OF THE NAVY DEPARTMENT TO PASS ON WAGE AND SALARY ADJUSTMENTS OF ITS CIVILIAN EMPLOYEES

General Order No. 18, adopted on December 2, 1942, is hereby amended to read as follows:

§ 803.18 General Order No. 18 (a) The National War Labor Board hereby delegates to the Secretary of the Navy, to be exercised in his behalf by the Office of the Assistant Secretary of the Navy (hereinafter referred to as "The Navy Department Agency") power to rule upon all applications for wage and salary adjustments (insofar as approval thereof has been made a function of the National War Labor Board), covering civilian employees within the continental limits of the United States and Alaska, employed directly by the Navy Department (but excluding persons employed in government owned, privately operated facilities of the Navy Department), all in accordance with the further provisions of this order.

(b) In the performance of its duties hereunder the Navy Department Agency shall comply with the terms of Executive Order No. 9250, dated October 3, 1942,1 Executive Order No. 9328, dated April 8, 1943,2 the Supplementary Directive of May 12, 1943,3 and all General Orders and policies of the National War Labor Board, announced thereunder.

Any wage or salary adjustment approved by the Agency "which may increase the production costs above the level prevailing in comparable plants or establishments" shall become effective only if also approved by the Director of Economic Stabilization. Notice to this effect shall be contained in all rulings issued by the Navy Department Agency hereunder.

Applications for approval of voluntary wage adjustments within the jurisdiction of the Navy Department Agency shall state whether or not the adjustment if approved may increase the produc-tion costs above the level prevailing in comparable plants or establishments. If the answer is in the affirmative, the Navy Department Agency shall send to the National War Labor Board for processing to the Office of the Director of Economic Stabilization a copy of the application and a copy of its ruling at the time of issuance thereof, for approval as mentioned above.

The Navy Department Agency, without making an initial ruling thereon, may refer to the National War Labor Board for decision, any case which in the opinion of the Agency presents doubtful or disputed questions of sufficient seriousness and import to warrant direct action by the Board.

(c) The Navy Department Agency shall, so far as is practicable, utilize the information and data of the National War Labor Board or the several Regional War Labor Boards in the determination of area rates in accordance with the wage rate brackets established by the Regional War Labor Boards.

(d) The Navy Department Agency shall transmit to the Wage Stabilization Division of the National War Labor Board copies of its rulings and rules of procedure, if any, and such additional data and reports as said Division or the Board may from time to time deem necessary.

(e) Any ruling by the Navy Department Agency or the Secretary of the Navy hereunder shall be final, subject to the National War Labor Board's ultimate power to review rulings on its own initiative.

(f) Any ruling by the Navy Department Agency or the Secretary of the Navy hereunder shall be deemed to be the Act of the National War Labor Board, unless and until reversed or modified by the Board. Any such order of reversal or modification shall allow a period of two weeks from the date of the Board's order within which to comply with the order.

Adopted August 27, 1943.

(E.O. 9250-7 F.R. 7871)

L. K. GARRISON, Executive Director.

[F. R. Doc. 43-14280; Filed, September 1, 1943; 10:23 a. m.]

<sup>17</sup> F.R. 7871.

<sup>\*8</sup> F.R. 4681.

<sup>\*8</sup> F.R. 6490. .

## TITLE 10-ARMY: WAR DEPARTMENT

Chapter VIII-Procurement and Disposal of Equipment and Supplies

[Procurement Regulations 1-14]

PART 81-PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS

### MISCELLANEOUS AMENDMENTS

The following amendments and additions to the regulations contained in Parts 81 and 83 are hereby prescribed. These regulations are also contained in War Department procurement regulations dated 5 September 1942 (7 F.R. 8082), as amended by Change 21, 13 August 1943, and Change 22, 14 August 1943

In section numbers the figures to the right of the decimal point correspond with respective paragraph numbers in the procurement regulations.

AUTHORITY: Sec. 5a, National Defense Act, as amended, 41 Stat. 764, 54 Stat. 1225; 10 U.S.C. 1193-1195, and the First War Powers Act 1941, 55 Stat. 838, 50 U.S.C. Sup. 601-622.

The list of sections contained in these regulations has been rewritten as follows:

## [Procurement Regulation No. 1]

### GENERAL INSTRUCTIONS

### INTRODUCTION

Sec.		•	•	,
81.101		of	procurement	regula-
	tions.			

81.102 Rescission of Army regulations. 81.103 Rescission of procurement circulars. 81.103a Rescission of "T" Series of procure-

ment regulations. Rescission of other instructions and 81.104 directives.

## DISTRIBUTION OF PROCUREMENT REGULATIONS

81.105 Deleted.

81.106 Distribution of procurement regulations.

## APPLICABILITY OF REGULATIONS

81.107 Authority with respect to procurement.

Applicability of these procurement 81.108 regulations.

## MISCELLANEOUS PROHIBITIONS

81.109 Prohibition against voluntary service. 81.110 Prohibition against use of troop labor.

81.111 Conflicts between outside interests of officers or civilian employees and their official duties.

#### PROPOSALS FOR LEGISLATIVE ACTION AND FOR EXECUTIVE ORDERS AFFECTING PROCUREMENT

General.

81,114 Legislation includes Executive Orders. 81,115 Legislative Division, Office of the Un-

der Secretary of War.

Proposals for legislative action af-81.116

fecting procurement.
Action of Legislative Division. 81.117

81.118 Congressional hearings.

81.119 Reports on legislative proposals.

## [Procurement Regulation No. 2] GENERAL PURCHASE POLICIES

#### GENTERAL

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81.201	Rescission of regulations.	
	Compliance with Precurement	Reg-
	motion Ma 9	

81.203 Definitions.

Contracting authority. 81.204

81.205 Purpose of regulations.

## - CONTRACT PLACEMENT

81.220 Scope. 81,221 Purchase of used or second-hand materials.

81,222 Time for placing contracts and caheduling of deliveries.

81,223 Factors governing placement of contracts.

81,224 Contracts for newly developed articles.

Smaller War Plants policy. 81.225

81,226 Debarred bidders.

81.227 Factors governing restrictions of ex-

isting supply contracts.

Labor espects of production cened-81.228 uling.

### CONTRACT FRICE POLICIES

81.230 Basic objectives.

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General policy. Cost-plus-a-fixed-fee contracts. 81,232

81.233 Fixed-price contracts.

81.234 81.235 Termination article.

81,236

Financing provision.

Price adjustment provisions.

Adjustment vithout contract provi-81,237 sions,

81.238 Policies on certain special items of cost.

### NEGOTIATION OF CONTRACTS

81.240 Method of contracting.

Methods of negotiation. 81.241 81,242

Use of informal bids. 81.243 Standard proposal forms.

81.244 Purchase analysis.

81.245 Special clauses.

81.246

Compulsory purchases.
Assistance by Headquarters, S. O. S. Purchasing by prime contractors. 81.248

## PRICE SUFFRIVISION .

81,250 General policy.

81.251 Price analysis. 81.252 Profit analysis.

81.253

Cost analysis.

Supervision of contracts and pur-81.254 chases.

Sanctions.

81.258 Coordination.

CONTRACTING POLICY REGARDING CONSTRUCTION AND MAINTENANCE WORK

81.260 General.

## PULCHASE ACTION REPORTS

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81.292 Responsibility of the chiefs of the supply services and the commanding generals of the cervice commands.

81.293 Reports of purchase action exceeding \$10,000.

81.294 Monthly summary of purchase actions.

## [Procurement Regulation No. 3]

## CONTRACTO

## GEORGICA ATA

81.301 Rescission of regulations.

81.302 Definitions.

81.303 General requirements for contracts.

81.803a Letters of intent and letter orders.

AUTHODITY TO MAKE AWARDS, CONTRACTS, AND MODIFICATIONS THEREOF; REQUIRED AFFROY-. ATR

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81.384 Definitions.

Making and approval of awards of contracts, supplemental agree-81.203 supplemental agreements and change orders.

81308 Making and approval of contracts, supplemental agreements and

change orders. 81.307 Authority of technical service to reallocate awards and contracts.

81.308 Supplemental agreements and clauses prescribed by \$\$ 81.322-81.367.

81.2023 Supplemental agreements and change orders not involving receipt of consideration.

81.303b Correction of mistakes. 81.303c Contracts or supplemental agreements providing for advance payments.

81.303d Ratification of prior action. 81.3033 Extension of time for performance. 81.303f Amendment of contracts after final

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81.2083 Supplements and change orders dealing with or directly affecting mat-ters pending before the General Accounting Office in respect of the amended contract.

PERMALTRES IN CONNECTION WITH EXECUTION OF CONTRACTS AND MODERICATION THEREOF

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81.310 Fircal procedures. 81.311 Execution of contracts.

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Form of supplemental agreements and change orders.

## DISTRIBUTION OF CONTRACTS AND ORDERS THEREUNDER

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81.316 Numbered contracts. 81.317 Unnumbered contracts.

81.317a Supplemental agreements and change orders.

81.318 Special cases.

# COMPACT PROCEDURE WITHIN THE SERVICE COMMANDS

81.3183 Organization of service commands. 81.316b Contract procedure.

## CONTRACT APPEALS

81.318d War Department Board.

81.3183 Rules and regulations of Board. 81.316f Appeals boards within the supply cervices.

GUARANTEES, LOANS AND COMMITMENTS, AND ADVANCE PAYRIERTS

81.319 General.

81.320 Guarantees, loans and commitments under Executive Order No. 9112.

MANDATORY AND OPTIONAL CONTRACT PROVISIONS

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81.321 Advance payments.

Covenant against contingent fees. 81.323

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81.327 Domestic articles.

81.323 Notice of shipments. 81.329 Variation in quantities.

81.329a Changes.

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<sup>&</sup>lt;sup>1</sup>For previous changes see 7 F.R. 8163, 9269, 9660, 10184, 10247, 10640, 10906; 8 F.R. 401, 411, 2531, 3339, 3486, 3752, 5113, 5210, 8629, 8918 and 9908.

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81.335	erty. Patents.	•	for the convenience of the Gov- ernment substantially in the form	81.417 81.418	Forms.  Procedure for accomplishing execu-
81.336 81.337	Disclosure of information. Employment of aliens.		contained in § 81.324 and permits settlement by negotiation of		tion of consent or correction of bonds and consents.
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81.339	Price adjustment for increase in freight rates.	81.376	completed portion of the contract. Settlement agreement for use where	81.420 81.421	Individual sureties.  Partnerships as sureties.
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01 2/12	tion experience. Price renegotiation clauses.		Government substantially in the form contained in § 81.324 (a).		insurance .
81.343	Rate of wages.	81.377	Supplemental agreement for use	81.431	General policy.
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81.349	Additional sentences to be inserted in advance payment clauses in	Ter	mination of Cost-Plus-A-Fixed-Fee	81.441	Benefits in event of capture or do- tention of employees.
	certain circumstances.	· ·	Contracts	81.442	Insurance in connection with cost- plus-a-fixed-fee contracts outside
81.350	Termination for convenience of the Government.	81.382	Termination of cost-plus-a-fixed-fee contracts for the convenience of		of the continental United States.
	Price adjustment articles.	01 000	the Government.	INSURA	NCE IN CONNECTION WITH LUMP SUM
81.352a	Delays—damages. Provision for liquidated damages.	81.383 81.384	Authorized officer. Notice of termination.	`	CONTRACTS
81.353	Representations and stipulations pursuant to the Walsh-Healey	81.385 81.386	Audit procedure Termination agreement.		General.  Insurance on government - owned
81.354	Act. Notice to the Government of labor		nation of Letter Orders and Letters of  Intent		property. Waiver of Defense Plant Corporation
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81.356	Assignment of rights hereunder (secret, confidential and restricted		Miscellaneous	.•	Architect-engineer-management con-
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81.357 81.358	Tax articles in fixed price (lump sum) contracts.  Appropriate provisions re taxes ex-	01 000	radio messages in cost-plus-a- fixed-fee contracts. Handling defaults and threatened		risk insurance in connection with sels or other floating equipment
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81.359			tractors under cost-plus-a-fixed- fee contracts.	PURCHA	SE OF INSURANCE BY COST-PLUS-A-FIXED- FEE CONTRACTORS
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81.361	Short term pricing.		Service affidavit.		Methods of purchase of casualty in-
81.362 81.363	Accident prevention. Clause authorizing contractor to dis-		[Procurement Regulation No. 4]		surance.
81 384	pose of Government property.  Marking of shipping containers.		BONDS AND INSURANCE		DEPARTMENT INSURANCE RATING PLAN
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81.366	bonds and insurance. Discount.	81.401 81.402	Rescission of regulations. Compliance with Procurement Regu-	81.475	Endorsements to be attached to policy.
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	_ CONTRACTS	81.404	Security of insurance and bond in-	81 478	men's compensation.  Employers' liability insurance (Mis-
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81.370	Authority to terminate.	81.405	•	81,479	Employers' liability and voluntary compensation insurance (Oregon
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	forth in § 81.324 or § 81.324 (a), or where there is failure to agree	81.409	Filing and examination of bonds and consents of surety.		INSTRUCTIONS FOR THE PREPARATION OF
81.373	on a negotiated settlement. a Amendment of contracts to insert	81.410	Bonds executed by receivers, trustees, administrators, or executors as		POLICIES,
81.374	termination clause.  Procedure where contract does not	81.411	principal obligors.  Bonds executed by limited partner-	81.485 81.486	Workmen's compensation policies.  Average rates for construction proj-
	contain article for termination for		ships as principal obligors.		ects insured under the War Depart-
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	81.487	Fire insurance. Rules and regulations of the state of	Eec. 81.803	Statutory basis for tax exemption.	Sec.	Basic law.
	01.400	Massachusetts pertaining to use of		Regulations of Commissioner of In-	81.917	Applicability.
		War Department insurance rating plan in that state.		ternal Revenue relative to tax exemption.		General instructions.  Knitting, knitwear, and woven un-
	81.489	Rules and regulations pertaining to use of War Department insurance		Definitions of terms.  Tax exemption of articles sold to		derwear.
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	81.491	Claims, losses and claims service		jewelry, etc.	81,925	tries. Men's neckwear industry.
		<ul> <li>under the War Department insur- ance rating plan.</li> </ul>	81.808	Information concerning items on which Federal taxes are imposed	81.926 81.927	Dimension granite industry.  Shoe manufacturing and allied in-
		MISCELLANEOUS	01 000	and the applicable rates thereon.		dustries.
	81.492	War risk indemnity contracts.		Rules governing the securing of tax exemptions.		Handkerchief industry. Envelope industry.
	81.493	Reports.	81.809a	Policies with respect to contracts or purchases made on or after March		Vitreous or vitrified china industry. Leather, leather trimmed, and
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	out provision for exemption from renegotiation.	81.1402	All requisitioning by or on behalf of the Army to be in accordance	§ 81.106 Distribution of procurement
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				*

Headquarters, Army Service Forces Room 5C 659 The Pentagon Washington 25, D. C.

Section 81.108 is amended as follows:

§ 81.108 Applicability of these procurement regulations—(a) Preliminary definitions. (1) The term "procurement activities", as used in paragraph (b) of this section, includes all such activities except the acquisition and disposal of real estate so far as the latter are governed and regulated by AR 100-60, f00-61, 100-62 (§§ 81.1 and 81.16a) and AR 100-63.¹ The term comprises, but is not necessarily limited to, the procurement of supplies, material and equipment and the procurement of construction work, including that on rivers and harbors.

(2) The term "Army agencies", as

(2) The term "Army agencies", as used in paragraph (b) of this section, includes all personnel of the Army, except as indicated in paragraph (f) of this section. In particular, it includes the agencies referred to in paragraphs

(d) and (e) of this section.

(3) The term "appropriated funds", as used in paragraph (b) of this section, comprises all such funds, including such funds allocated to, as distinguished from appropriated to, the War Department; but does not include organizational, unit

or similar funds.

- (b) Applicability. These procurement regulations are applicable to all procurement activities carried on by Army agencies with appropriated funds. If a project involved both a procurement activity and acquisition or disposal of real estate governed and regulated by the Army regulations referred to in paragraph (a) above, these procurement regulations are applicable so far as the procurement activity is concerned and are inapplicable so far as the acquisition or disposal of real estate is concerned.
- (c) Technical services and supply services. Pursuant to Circular No. 30, Headquarteis Army Service Forces, 15 May 1943, the designation of "supply services" is changed to "technical services". This change is being made in the procurement regulations as occasion arises to reprint pages for other reasons. In the meantime, the term "supply services" should be read as "technical services."

(d) Army Air Forces. (1) The regulations have been issued with the approval of the Army Air Forces, and shall, unless otherwise specifically indicated, apply to the Army Air Forces.

(2) Whenever used herein, unless otherwise specifically indicated, the term "technical services" shall be deemed to include the Army Air Forces, and the term "chiefs of the technical services" shall be deemed to include the Commanding General, Army Air Forces. Likewise, the term "Director, Purchases Division, Headquarters, Army Service Forces," when used in connection with action to be taken in respect of the Army Air Forces, shall, unless otherwise specifically indicated, be deemed to refer

to the special representative of the Under Secretary of War designated for that purpose.

(3) Except as specifically otherwise provided, all communications to the Army Air Forces or to the Commanding General, Army Air Forces, relating to procurement, should be addressed to the attention of the Procurement Branch, Matériel Division, Office of the Assistant Chief of Air Staff, Matériel, Maintenance and Distribution.

(e) Service commands. These regulations are applicable to the procurement activities of the service commands. Where procurement is accomplished by a service command at the direction of the chief of a technical service or his duly authorized representative, the directions will contain references to the applicable paragraphs of the procurement regulations and will also contain supplementary instructions where appropriate. In such a case, for the purposes of these regulations, the procurement shall be regarded as procurement by the technical service concerned and the contract will be regarded as a contract of that technical service. In all other cases, the service command accomplishing the procurement shall act independently of any technical service and the term "technical service" and the term "service", as used in these regulations, shall be deemed to refer to the service commands and the term "chiefs of technical services" and "chiefs of services" shall be deemed to refer to the commanding generals of the service commands. In connection with this paragraph see paragraph (c) of this section.

(f) Procurement and contracting authority of commanding officers outside continental United States. In general, commanding officers in charge of United States armed forces outside the continental United States and its territories and possessions including Alaska are not required, in connection with the procurement of supplies necessary to accomplish the mission confided in them, to comply with the procurement regulations or any other regulations, circulars or instructions or with any provisions or restrictions of the laws of the United States which may be applicable within the United States or any territory or possession thereof. This matter is more fully treated in section I of Circular No. 21, War Department, 1943. Likewise, commanding officers in charge of United States Armed Forces outside the continental United States but within the territories or possessions of the United States including Alaska, who are responsible directly to the War Department (that is, the chief of staff), in connection with the procurement of supplies necessary to the accomplishment of the mission confided in them are authorized to disregard procurement regulations and other War. Department regulations, restrictions, circulars and instructions, and when they find that to do so will facilitate the prosecution of the war, they are authorized to disregard the provisions of law relating to procurement; all subject however to (1) Title II of the First War Powers Act, 1941, (2) the restrictive provisions contained in Executive Order No. 9001 and (3) any law approved after December 18, 1941. This matter is more fully set forth in Section II of Circular No. 21, War Department, 1943.

(g) Procurement within the United States for armed forces abroad. It is to be noted that the provisions of Circular No. 21, War Department, 1943, referred to in paragraph (f) above have no application to procurement within the United States for armed forces abroad.

Section 81.115 is amended as follows:

§ 81.115 Legislative Division, Office of the Under Secretary of War. With the approval and by the authority of the Under Secretary of War, the Legislative Division, Office of the Under Secretary of War, is designated as the agency charged with the coordination within that Office, the Army Service Forces and the Army Air Forces, of all legislative matters affecting procurement or related functions.

Section 81.116 is amended as follows:

§ 81.116 Proposals for legislative action affecting procurement. (a) Except as specifically otherwise provided in paragraph (b) of this section, all proposals for legislative action affecting procurement or related functions, originating from any source whatsoever, will be referred to the Legislative Division, Office of the Under Secretary of War, for coordination.

(b) All such proposals, other than proposals for Executive Orders, originating from sources outside the Office of -the Under Secretary of War, the Army Service Forces or the Army Air Forces. will be referred to the Legal Branch, Purchases Division, Headquarters, Army Service Forces. The Legislative Section of that Branch will promptly review such proposals to determine which are of sufficient importance to the Office of the Under Secretary of War, the Army Service Forces, Army Air Forces, or any of them to warrant further consideration. Such of the proposals as warrant such consideration will be referred directly to the Legislative Division, Office of the Under Secretary of War, for coordination.

Section 81.117 is amended as follows:

§ 81.117 Action of Legislative Division. The Legislative Division, Office of the Under Secretary of War, will, with respect to such proposals originating within the Office of the Under Secretary of War, the Army Service Forces, or the Army Air Forces:

(a) Take all necessary action to secure the views of those individuals and elements within the Office of the Under Secretary of War, the Army Service Forces and the Army Air Forces, whose responsibilities would be affected by such legislative action.

(b) Refer any questions regarding the form of the proposed legislative action to the Legal Branch, Purchases Division, Headquarters, Army Service Forces, for consideration and report.

(c) Make all necessary arrangements for proper coordination with other Gov-

Administrative regulations of the War, Department pertaining to the disposal of real estate.

ernment departments and agencies whose functions would be affected.

(d) If it is determined by proper authority to initiate such legislative action, coordinate the matter with the Legislative and Liaison Division, War Department. —

(e) Take any other necessary or appropriate action in connection therewith.

With respect to such proposals originating from sources outside the Office of the Under Secretary of War, the Army Service Forces, or the Matériel Command, Army Air Forces, Legislative Division, Office of the Under Secretary of War will, upon receipt of such proposals, take the action described in paragraphs (a), (c) and (e) above.

## Section 81.118 is amended as follows:

§ 81.118 Congressional hearings. Arrangements for appropriate representation from the Office of the Under Secretary of War, the Army Service Forces and the Army Air Forces, at Congressional hearings on legislative proposals affecting procurement or related functions will be made through the Legislative Division, Office of the Under Secretary of War.

In § 81.223 subparagraph (2) is added to paragraph (a) and subparagraph (4) of paragraph (d) is amended as follows:

§ 81.223 Factors governing placement of contracts. \* \* \*

(a) Ability to perform. \* \* \* (2) Attention is called to the provisions of § 81.352 (b) which authorizes the omission of the word "unforeseeable" in the delays-damages article. When bids are being solicited, informally or otherwise, and there exists some foreseeable and probable cause of delay which would. be beyond the control of the contractor, care should be exercised in evaluating the various bids submitted. It is possible under those circumstances for contractor "A" to submit a bid which requires performance within a time schedule which could not possibly be adhered to if such cause of delay materialized. Under for delays-damages clause, as modified in accordance with § 81.352 (b), the failure to perform within the time schedule might well be construed as an excusable delay. Contractor "B", although capable of performing with as great despatch as "A" may allow for the probable cause of delay, and submit a bid calling for deliveries at a date later than that offered by "A": In evaluating the two bids, the fact that "A" has not made allowance for the probable cause of delay should be taken into account. .

(d) Labor shortage areas: \* \* \*

(4) Exceptions. The restrictions stated in this paragraph (d) do not apply to the placing of contracts:

(i) With firms which currently employ less than 100 wage earners and which will not employ more than 100 wage earners during the performance of the contract; or

(ii) With originating manufacturers for a newly developed article in accordance with § 81.224.

Section 81.260 is added as follows:

§ 81.260 General. Wherever possible all construction work will be performed on a contract basis, and barring that possibility for practical reasons such construction work will be performed on a hired labor basis.

(a) New construction. Job construction refers to work of a type generally performed by a construction contractor, which is non-recurrent and temporary in the sense that it terminates on the completion of a specific project. In general, this includes such work as the construction of new structures or alterations of like nature to existing structures.

(1) All such new work within the meaning of the above definition will be prosecuted under contract whenever possible.

(2) When such work does not adapt itself to contracting procedure for practical reasons, it will be done by the officer in charge on a hired labor basis.

(b) Maintenance work. Maintenance work refers to work which is regular and recurring, and which is continuous in the sense that it is not terminable on the completion of a specific project. This includes such work as repair, adjustment, overhauling, and upkeep of existing structures or installations. The term also includes, as specified in 81.911 (e), the movement of machinery and installation of equipment. and alteration work incident thereto, performed as an incident of a supply contract. However, in making the determination required by § 81.911 (f), as applied to particular machinery movement or installation work, each contracting officer concerned will give careful consideration to the desirable objective sought in the overall policy statement outlined in the introductory paragraph of this section.

(c) Construction or repair in restricted areas. It is recognized that in restricted areas, because of the various factors involved, it is not often feasible to prosecute the work either under contract or on a hired labor basis. In such instances the work may be done by maintenance forces. However, every effort will be made to insure that this practice is not abused.

(d) Termination of construction contracts. The completion of specific construction projects, including original installation of equipment, will be made whenever possible under construction contracts.

(1) When this procedure is not practical, resort will then be made to hired labor.

(2) Completion of specific construction projects by the maintenance forces will be adopted as a last resort, and only when to do otherwise would result in interference or interruption of production, or would demand wasteful retention of a construction supervisory overhead organization.

In § 81.291 paragraphs (d), (e) and (h) are amended as follows:

§ 81.291 General. • • •

(d) Signing of reports. Reports should be signed by some responsible of-

ficer. The reports required by § 81.293 should normally be signed by the contracting officer involved; and those required by § 81.294, by the officer in charge of the procurement covered by the report. If this is not practicable, however, some other responsible officer may sign.

(e) Procedure for forwarding reports—(1) Time. The reports will be forwarded by each station to the chief of its respective service. The reports required to be filed under \$81.293, the introductory paragraph, and paragraphs (b) and (c), should be forwarded so as to be received by the fifth calendar day following the purchase action; those required to be filed under \$81.294, should be forwarded so as to be received by the fifth calendar day following the close of the month.

(2) Number of copies. Two copies will be prepared by the station originating the purchase. The original signed copy will be forwarded as are indicated in subparagraphs (3) and (4) below. The carbon copy will be retained for reference by the station preparing the report as indicated in § 81.293 (a) (6). This subparagraph will become effective

May 1, 1943.

(3) Reports by exempted and nonexempted stations. Reports (both individual action reports and monthly summary reports) will be submitted to the chiefs of the various technical services (including the Commanding General, Army Air Forces) and to the commanding generals of the Service Commands (including the Commanding General, Military District of Washington). Copies of these reports will be submitted to one of these locations. Only those relating to contracts which have been numbered as service command contracts in accordance with § 81.318b (e) will be submitted to the commanding generals of the service commands; and those numbered as technical service contracts in accordance with § 81.309 (b) will be forwarded to the chiefs of the technical service concerned. This will apply to all types of installations whether Class I, II, III, or IV. Separate summary reports will be submitted to the commanding general of the service command and to each of the technical services concerned.

(4) Transmission of reports by Special Services and Administrative Services. In the case of reports submitted by stations under the jurisdiction of the Special Services, Army Service Forces and the Administrative Services, Army Service Forces, one copy of each report forwarded will be retained by the office of the chief of the service involved and the original will be forwarded from said office to the Commanding General, Army Service Forces, attention, Statistics and Progress Branch, Control Division. The reports required to be filed under § 81.293, the introductory paragraph, and paragraphs (b) and (c) should be forwarded so as to be received by the fifth talendar day following the purchase action; the reports required to be filed pursuant to § 81.294 should be forwarded so as to be received by the eighth calendar day following the close of the month. The chiefs of Special

Services and Administrative Services will be responsible for complete, accurate and proper submission of reports from stations under their respective jurisdiction.

(h) Définitions-(1) Purchase action. A purchase action is any transaction (including all types of awards) obligating government funds. A transaction, in this case, includes transactions with any individual, firm, corporation, or governmental agency outside of the jurisdiction of the War Department. The execution of a preliminary contractual agreement is to be regarded as a purchase action unless the undertaking contained therein is conditioned upon funds becoming available, and hence does not obligate government funds (see for example, the letter of intent which was the subject of decision of the Comptroller General issued under date of December 22, 1941; B-21873; 21 Comp. Gen. 605). Transactions involving real estate are included in the term "purchase action" notwithstanding the provisions of § 81.108 (a).

(2) Service. Notwithstanding the provisions of § 81.108 (d), the term "service" as used in these §§ 81.291 to 81.294 includes all technical services, Army Service Forces; the Army Air Forces; all service commands, Army Service Forces (including the Military District of Washington); Special Services, Army Service Forces; and Administrative Services, Army Service Forces, with the exception of the Army Exchange Service.

(3) Preliminary contractual agreements. The term "preliminary contractual agreements" as used in these §§ 81.291 to 81.294 refers to all written agreements which do not obligate War Department funds to the full amount which it is anticipated will finally be obligated (see W. D. Contract Form No. 7, § 81.1307, as one type of such agreement). Such agreement becomes final when the total estimated amount has been fully obligated or a final definitive contract has been executed.

In § 81.292 the introductory paragraph is amended as follows:

§ 81.292 Responsibility of the chiefs of the technical services and the commanding generals of the service commands. The chiefs of the technical services (including the Commanding General, Army Air Forces) and the commands (including the commands (including the Commanding General, Military District of Washington) are charged with the following responsibilities:

Section 81.293 is amended as follows:

§ 81.293 Reports of purchase actions exceeding \$10,000. A report of every original purchase action which exceeds \$10,000 (actual or estimated) in amount will be made on an 8" x 10½" sheet and forwarded through the offices of the chiefs of the various services in accordance with the time schedule (the fifth calendar day following the purchase action) and procedure stated in § 81.291 (e)". This report will be made with respect to orders placed against indefinite

quantity contracts executed by another technical service but will not be made with respect to orders placed against contracts executed by other Departments of the Government such as the contracts executed by the Procurement Division, Treasury Department. The

standard form for reporting purchase actions (Contract Approval Symbol ICY-3) is set forth below. It is available on requisition at Adjutant General depots in the service commands. Supplies of both white and blue forms may be obtained in this manner,

	-		Contr	ol Approval	Symbol ICY-33
	•	WAR D	EPARTMENT	,	
		Address. (1) Pr	Date urchase Action Report	t Serial No.	
Sub	lect: Report of Negotiate	d Purchase in En	cess of \$10 000		
Stat	ion Technical Service (	or Service Comma	and) Number	Date of A	ward
( <del>4</del> )	ContractorAddress		Mfg. [		
	Work Performed at		(Name and Location	on) .	
(7)	Type of Purchase Action	(8).	Delivery to start	To be con	mpleted
(9 8	k 11) Descripti	on of item	No. of Units	Unit Cost	(if estimated so indicate)
10)	Preference Rating		Identification S	vmhol	
12)	If Escalator Clause is	included in Con	tract, state whether	such claus	se is for Labor,
121	Materials, or both Check if this Contract	is subject to Wel	h Hoolow Dublic Con		
.20,	The	is adojece to war	_ Industry Minimum	Wage Deter	
•	TheSecretary of Labor is	applicable to th	is Purchase Action (	Indicate in	dustry by title)
,	Date Poster (PC 13)	ent to Contracto			
	If the estimated initia	al value of the	ontract is in excess	of 8150.00	O the following
	information march of				_
14)	(a) Negotiators for Go	vernment			
	<ul><li>(b) Negotiators for Co</li><li>(c) Reasons for selection</li></ul>	ntractor na Contractor	***************************************		
	(If no competition	was obtained)	~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~		
	(d) Name of Person ar	proving specificat	tion		
	<ul> <li>(Where Federal, Ar</li> </ul>	my, Technical Sei	rvice, Navy, or other t	oureau spec	fication is used,
	a statement to th	at effect is suffici	ent)		
•	(e) In reporting purch	ase of land, the	following information	nust be	submitted:
,	(1) Location				
,	(3) Intended Use				
	(4) Price				******
	(5) Assessed Value	2			
opy	(5) Assessed Value Distribution: 1 Chief, Responsible Ser	Signa	ture	*****	
	Chief, Responsible Ser	vice.	lame		-
	l Your File.		Rank		

## CONTRACTS

Paragraph (c) of § 81.302 is amended as follows:

§ 81.302 Definitions. \* \* \*

- (c) Contracting officer. (1) A contracting officer is an officer or civilian official of the War Department who has been designated by any one of the following persons, or by their direction, or in accordance with such orders and regulations as they may prescribe for their respective commands, to execute contracts on behalf of the United States:
  - (i) The Secretary of War.
- (ii) The Under Secretary of War.
  (iii) The Commanding General in a
  Theatre of Operations.
- (iv) Commanding General, Army Air Forces.
- (v) The Director, Purchases Division, Army Services Forces.
  - (vi) The Chief of any Technical Service.

- (2) Except when otherwise in the instrument specifically provided, the words "contracting officer", as used in any existing or future contract, supplemental agreement or change order, are construed to include his duly appointed successor or authorized representative.
- (3) Representatives may be designated as follows:
- (i) The chief of a technical service may designate any officer or civilian official to act as representative of the contracting officer or his duly appointed successor:
- (ii) A commanding officer may designate any contracting officer assigned to his command or station to act as representative of any other contracting officer assigned to the same command or station, or of a contracting officer's duly appointed successor so assigned:

٥

(iii) A contracting officer, his duly appointed successor, and any representa-

tive designated pursuant to (i) or (ii) of this subparagraph (3), may respectively designate any officers or civilian officials to act as their representatives.

(4) A designation authorized by subparagraph (3) of this paragraph may be made by instructions relating to particular contractual instruments or classes of instruments, and may, to the extent not specifically prohibited by the terms of the contractual instrument involved, empower the representative to take any or all action thereunder which could lawfully be taken by the contracting officer. In no event, however, shall a representative, by virtue of his appointment as such, be empowered to execute any contract or supplemental agreement (as distinguished from change order). Of course, if he has also been appointed a contracting officer pursuant to subparagraph (1) of this paragraph, he may, pursuant to any authority conferred by such appointment, execute contracts or supplemental agreements.

(5) All action heretofore taken which would have been valid if this paragraph (c) had then been in effect, is hereby ratified and confirmed.

In  $\S$  81.303 paragraph (e) is amended. as follows:

- § 81.303 General requirements for contracts.
- (e) Numbering and distribution of contracts. (1) The numbering of contracts is discussed in §§ 81.309 and 81.318b (e) and the distribution of contracts is discussed in §§ 81.315-81.318 of this Procurement Regulation No. 3.
- (2) Distribution of purchase orders. As pointed out in subparagraph (2) of paragraph (d), it is not necessary that a purchase order which does not exceed \$5,000 in amount be preceded by a quotation. If the contract price exceeds \$5,000, however, the following rules shall apply:

(i) If the purchase order was preceded by a written quotation signed by the contractor, or if the contractor delivered some written instrument evidencing the contractor's assent, such written quotation or instrument should be forwarded \_to the General Accounting Office.

(ii) If the contractor did not furnish a written quotation or written evidence of its assent and the purchase order. merely accepted an oral quotation or was based on a price list, the purchase order, as forwarded to the General Accounting Office, should contain a reference to the oral quotation or price list. This may consist of a simple statement such as "Pursuant to oral quotation of even date" or "Pursuant to oral quotation of \_\_\_\_\_ \_\_\_\_, 194\_\_" or "Pursuant to\_\_\_\_\_ (Name of contractor or other identification)

price list, dated \_\_\_\_\_, 194\_\_\_, \*

\*

\* 5 \* Section 81.304 (a) is amended as fol-

§ 81.304 Definitions - (a) Standard forms of contract. The phrase "standard forms of contract", as used in §§ 81.304-81.308g includes:

- (1) Forms of contract which may from time to time be approved for the general use of all technical services by the Chief Counsel or the Chief, Legal Branch, Purchases Division, Headquar-ters, Army Service Forces. The following contract forms are hereby approved for such use:
- (i) United States Standard forms of Contract, provided they comply with the requirements of §§ 81.322 to 81.363.

  (ii) War Department Contract Form No. 1.

Lump Sum Supply Contract. (See § 81,1391) (ili) War Department Contract Form No. Lump Sum Construction Contract. (See § 81.1302)

(iv) War Department Contract Form No. Fixed-Fee Construction Contract. (See

(v) War Department Contract Form No. 4, Fixed-Fee Architect-Engineer Contract. (See § 81.1304)

(vi) War Department Contract Form No. 5. Short-Form Supply Contract (Negotiated). (See § 81.1305)

(vii) War Department Contract Form No. 6,. (vili) War Department Contract Form No. (vili) War Department Contract Form No. 7, Letter Purchase Order. (See § 81.1397)
(ix) War Department Contract Form No. 7, Letter Contract Countract Form No. 7, Letter Contract (Supplied). (See § 81.1393)

8, Letter Contract (Supplies). (See § 81.1393) (x) War Department Contract Form No. 9, Letter Contract (Fixed-Fee Construction).

(See § 81.1303) (xi) War Department Contract Form No.

10, Letter Contract (Lump Sum Construc-tion). (See § 81.1310) (xii) War Department Contract Form No.

11. Defense Supplies Corporation Contract.

(See § 81.1311)
(xili) War Department Contract Form No.
12. Fixed-Fee Architect-Engineer-Construction-Management Services Contract. (See § 81.1312)

(xiv) War Department Contract Form No. 13, for contracts with War Supplies Limited. (See § 81.1313)

(xv) War Department Contract Form No. 14, Government-owned Equipment Rental

Agreement. (See § 81.1314)
(xvi) War Department Contract Form No. 15, Negotiated Electric Service Contract. (See

§ 81.1315)
(xvii) War Department Contract Form No.
16, Lump Sum Contract for Architect-Engineer Services With Optional Supervision. (See § 81.1316)

(xviii) War Department Contract Form No. 17 (W. D. Forms Nos. 47 and 47-a). Government's Order and Contractor's Acceptance. (See § 81.1317)

(2) Forms of contract, devised by a particular technical service, or a staff division exercising procurement functions, to meet the needs of a recurrent situation of a special type, which may from time to time be approved by the Chief Counsel or the Chief, Legal Branch, Purchases Division, Headquarters, Army Services Forces (see § 81:107 (h)), for the general use of that technical service or staff division. Forms so approved should be periodically revised (see § 81.301 (a)) to accord with requirements of these procurement regulations published following approval of the forms. If deviation from such requirements appears to be necessary, the forms should be resubmitted for approval.

(3) The forms of contract enumerated below have been approved pursuant to subparagraph (2). Except where the particular form was approved by separate indorsement or memorandum, in which case the precise terms approved

will appear from the file containing the indorsement or memorandum, it may be assumed that that version of the form was approved which on July 7, 1943 was authorized for use by the technical service or staff division involved.

OFFICE OF THE CHIEF OF CHEMICAL WARFARE SERVICE

Short Form Recearch Contract (consideration nominal).

OFFICE OF THE CHIEF OF ENGINEERS

Engineer Form No. 84\_\_\_ Release of Claim for Additional Fee. Engineer Form No. 85\_\_\_ Release of Claim

for Additional Fee to Extent only of Joint-Venturer.

Engineer Form No. 17.... Hire by Government of Plant or Equipment.

CE Form No. 183\_\_\_\_\_ Lease of Plant. Engineer Form No. 213a\_ Quotation. Engineer Form No. 213b. Furchase Order. Engineer Form No. 429\_\_\_ Water Service, No

Connection Charge.

Engineer Form No. 430\_\_ Electric No Connection Charge.

Engineer Form No. 431\_\_\_ Gas Service, No Connection Charge.

## OFFICE OF THE CHIEF OF ORDNANCE

Notice of Award (Ordnance Procurement

Purchase Order Form (O.P. I. 513,003)
Equipment Lease Form (O.P. I. 513,004)
Facility, Lease and Operation Form (O.P. I., §13,005)

Disposition of Personal Property—Form S

(O. P. I., \$13,005.1)
Disposition of Personal Property—Form S
(Allocation) (O. P. I., \$13,005.2)
Gage Repult Contract (O. P. I., \$13,003)
Leads of Government-Owned Machine Tool
Faulment at and Supplement Thereto

Equipment, etc., and Supplement Thereto (O. P. I., \$13,009.1 and 13,009.2)
Supplemental Agreement for Modifying Production Rates in Existing Contracts (O. P. I., \$13,015)

Extension of Letter Contract (O. P. L. 513 016)

OFFICE OF THE QUARTERMASTER GENERAL

QMS Form No. 300\_\_\_\_\_ Purchase for Use in Purchasing Certain Food Supplies. QMC Form No. 393\_\_ - Purchase Örder.

QMC Forms No. 315 and Invitation. 316 (Tentative).

and Acceptance Form for Pur-

chasing Coal.
Contract for Sale QMC Form No. 327\_\_\_\_ of Waste Mate-

Uniform Burial Contract. Contract for Purchasing Lubricating Oils and Greates.

Contract for Warehouse Facilities.

OFFICE OF THE CHIEF SIGNAL OFFICER

O. C. S. O. Form No. 6-D\_\_ Purchase Order. W.D.S.C.Form No.57\_\_\_ General Contract for Trunkline and other Communication Facilities and Services.

W. D. S. C. Form No. 134 \_\_ Contract for Com-

munication and Electric Time Facilities and Services.

W. D. S. C. Form No. 1137 Telephone Service Order.
W. D. S. C. Form No. 1165 General Contract for Commercial Telephone Service Similar to that Furnished the Business

Letter Contract for Supplies.
Letter Contract for Motion Picture Training

Public. >

Contract for Motion Picture Training Film. General Contract for Operation and Maintenance in Connection with Army Telephone Systems.

#### OFFICE OF THE SURGEON GENERAL

S. G. Form No. 1-C\_\_\_ Supply Contract.. S. G. Form No. 2\_\_\_\_ Long Form Supply Contract.

S. G. Form No. 3-A.\_\_ Purchase Order.
Contract with Universities for Courses of Instruction.

Contract with Universities for Research in Prevention of Epidemic Diseases. Contract for Blood Plasma Processing. Supplemental Agreement for Use of Cellular Residue.

OFFICE OF THE CHIEF OF TRANSPORTATION

TC Form No. 101 Lease of Equipment
Under Public No.
779, 77th Congress.
Lease of Equipment,
with Indemnity,
Under Public No.
779, 77th Congress.
TC Form No. 104 Freight Handling
Agreement.

### ARMY AIR FORCES

Materiel Command, Contract Form No. 32—
Fixed Price Supply Contract.
Army Air Forces, Form No. 98—Purchase Order.
Letter Contract, Fixed Price.
Letter Contract, Cost-Plus-A-Fixed-Fee.
Cost-Plus-A-Fixed-Fee Supply Contract (OPFF Form 3, revised).
General Airlines Service Contract.
Flying School Contract.

ARMY SPECIALIZED TRAINING DIVISION

Contract for Training in Medicine, Dentistry and Veterinary Medicine. Training Unit Contract.

## SPECIAL SERVICE DIVISION

Contract for Correspondence Instruction.
Contract for Physical Distribution of 16mm

Contract for Physical Distribution of 35mm Films.

Contract for Production Services and Articles, Materials, Equipment and Facilities in Connection with Production of Films.

Government Job Order and Contractor's Acceptance under Contract for Production Services, etc.

Contract for Radio and Phonograph Recordings.

## SERVICE COMMANDS

General and Medical Laundry Contracts (see Memorandum No. S5-93-43, Office of The Adjutant General, May 22, 1943)

Section 81.305 (a) and (b) are amended as follows:

§ 81.305 Making and approval of awards of contracts, supplemental agreements and change orders—(a) Authority of technical services to make awards. All awards of contracts, supplemental agreements and change orders, other than those described in

§ 81.305 (b) may be made by the technical service concerned without approval of higher authority.

(b) Awards requiring the approval of Director, Purchases Division. (1) The following awards must be submitted for approval to the Director, Purchases Division, Headquarters, Army Service Forces:

(i) Awards of contracts (other than Architect-Engineer, Management or similar contracts) involving a price of \$5,000,000 or more, and awards of supplemental agreements and change orders which have the effect of increasing the price of contracts (other than Architect-Engineer, Management or similar contracts) by \$5,000,000 or more, and awards of supplemental agreements and change orders which have the effect of increasing the price of contracts (other than Architect-Engineer, Management or similar contracts) by \$5,000,000 or more.

(ii) Awards of Architect-Engineer, Management or similar contracts when the construction contracts to which they relate involve a price of \$5,000,000 or more, and awards of supplemental agreements and change orders affecting Architect-Engineer, Management or similar contracts when the changes being concurrently made in the construction contracts to which they relate have the effect of increasing the price of the construction contracts by \$5,000,000 or more.

(2) If it is desired to execute a preliminary contract, as defined below, with a particular contractor, and the choice of contractor presents no real alternative, it shall not be necessary to obtain any approval pursuant to subparagraph (1) above. Such approval will, however, be obtained prior to the execution of the final definitive agreement, if required by subparagraph (1). The term "preliminary contract", as used in this subparagraph (2), refers to any type of tentative agreement (as, for example, a letter purchase order of the type set forth in § 81.1307) which, it is contemplated, will be subsequently superseded by a final definitive agreement which will obligate War Department funds in an estimated amount at least twice the amount obligated by the tentative agree-

In § 81.309 paragraphs (b) and (c) are amended, paragraph (d) is rescinded and a new paragraph (d) is added as follows:

§ 81.309 Numbering contracts. \* \* \*
(b) System. Contract numbers will be placed in the upper right-hand corner and will consist of the following in the

(1) The capital letter "W", representing the War Department.

order named:

(2) Station number representing the station or office as published in the War Department Fiscal Code.

(3) The letter or letters representing the technical service. The Chief of Finance will be promptly notified of any changes in the letter symbol or of the adoption of a new symbol.

(4) A serial number, separated from the above by a hyphen, commencing with the number 1 and continuing in succession indefinitely without regard to the fiscal year. When the serial number reaches the limit of five digits (99,999), a new series will be used beginning with the serial number 1 and followed by the capital letter "A". Should additional series become necessary, they will be distinguished by the capital letters "B", "C", "D", etc., as may be required.

Note: The foregoing applies only to the numbering of technical service contracts and not to the numbering of service command contracts. As to the latter, see § 81.318b (c).

(c) Examples. Based upon paragraph (b) above, the following is the number of the first numbered contract executed by the Philadelphia Quartermaster Depot:

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(d) Effect of War Department Fiscal Code. (1) Under date of 1 July 1943, the War Department Fiscal Code was issued by the Office of the Fiscal Director.

(2) Part VIII of the aforementioned code prescribes a new list of station numbers. These new station numbers are to be used in numbering contracts (as required by §§ 81.309 (b) (2) and 81.318b (e) (1) (ii)).

(3) It is to be noted that Part VII of the aforementioned code contains code numbers designating the various technical services as well as the various service commands. These code numbers are not to be substituted, in the numbering of contracts, for the letters previously used to designate the technical services and the service commands (as required by §§ 81.309 (b) (3) and 81.318b (e) (1) (iii)).

(4) When the new station numbers are put into use in connection with the numbering of contracts, a new series should be commenced; that is, the first contract so numbered at a given post should contain the serial number "1".

(5) If, since the issuance of the War Department Fiscal Code, the numbering of contracts has not been in accordance with the foregoing instructions, it is not necessary that the contracts be renumbered. If the system set forth in subparagraphs 1, 2, and 3 has been adopted, but a new series of contracts has not been commenced as directed by paragraph 4, it is suggested that the contracts be not renumbered but that a new series of contract numbers be commenced as promptly as practicable.

In § 81.311 paragraphs (b), (c) and (d) are amended as follows:

§ 81.311 Execution of contracts. \* \* \*
(b) Contracts with an individual trading as a firm. Such a contract will be signed by the individual in question. The following illustrates the form that such a contract will ordinarily take:

*	""	*.	•	*	•
Bv	John	n`Doe	Company	Contractor	
John Doe (Owner)					•
/72					

(Business Address)

(c) Contracts with partnerships. (1) The contract may be signed in the name

added to the station number a capital

letter to indicate the branch by which

the contract was executed. The symbols

Q, S, T, O, E, M, C, U, and Tng are suggested as appropriate designations for

of the partnership by one or more of the partners. Each partner who signs will sign as one of the firm.

(2) A contract with a partnership doing business through a local representative or agent may be executed in the name of the firm by such local representative or agent.

(3) If the contract is executed in the manner specified in subparagraph (2) above and the contract involves a substantial contract price, there should, if practicable, be filed with the contract a properly certified copy of the power of attorney showing the authority of the representative or agent executing the contract.

(d) Contracts with corporations. (1) A contract with a corporation will have the name of the corporation written in the blank space provided therefor at the end of the contract form, followed by the word "by", after which the officer or person who has been authorized to contract on behalf of the corporation will sign his name, with the designation of his official capacity.

(2) The contracting officer will, in all cases, satisfy himself that the signer has authority to bind the corporation.

(3) In case of all such contracts involving a substantial contract price the contracting officer will, if practicable, obtain satisfactory evidence of the authority of the signer to bind the corporation and file such evidence with the contract. Such evidence will consist of extracts from the records of the corporation showing:

(i) The election of the officers executing the contract and bond on behalf

of the corporation.

, (ii) The grant of authority to the officers who execute the contract and bond.

The above-mentioned copies will be certified by the custodian of such records, under the corporate seal (if there be one), to be true copies of the records of the corporation.

In § 81.318b subdivision (ix) is added to paragraph (c) (1); paragraph (e) (1) is amended, and subparagraph (4) is added to paragraph (e).

§ 81.318b Contract procedure. \* \* \*
(c) Service command contracts.
(1) \* \* \*

(ix) Prisoner of war labor contracts are not to be regarded as Service Command contracts. They are to be numbered as contracts of the Office of the Provost Marshal General. Thus the first contract executed at the Prisoner of War Camp, Pine Camp, N. Y., would be numbered

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(e) Numbering of service command contracts. (1) Contract numbers will be placed in the upper right-hand corner of service command contracts and will consist of the following in the order named:

(i) The capital letter "W", represent-

ing the War Department.

(ii) The station number, that is, the station or office as published in the War Department Fiscal Code. There may be

the Quartermaster, Signal, Transportation, Ordnance, Engineer, Medical, Chemical Warfare, Repairs and Utilities and Training Branches respectively, and an appropriate letter may be used to designate any other branches at the post, camp or station. The Contract Service Section, Audit Division, General Accounting Office, Washington, D. C., should be advised of the branch symbols which are to be used at each station, whether or not the symbols suggested above are used; and if additional branch symbols are adopted from time to time. should be advised of such additional branch symbols. It is to be emphasized that the use of the additional symbols authorized by this subdivision (ii) is for the convenience of the post, camp or station and, accordingly, is optional. The use of these branch symbols may be dispensed with or, if desired, a single branch symbol (and one series of contracts) may be used for more than one. but less than all, branches at a given post, camp or station. (iii) A symbol in parentheses to indi-

(iii) A symbol in parentheses to indicate the service command. This symbol will consist of the capital letters (S.C.) followed by a hyphen and a Roman numeral indicating in which service command the contract was executed. It is important that capital letters followed by periods and by the Roman numeral be used in order that no confusion will arise with Signal Corps contracts which hear

the symbol "sc".

(iv) A serial number separated from the above by a hyphen, commencing with the number "1" and continuing in succession indefinitely without regard to the fiscal year.

(4) Effect of War Department Fiscal Code. See § 81.309 (d).

In § 81.318e paragraph 8 of Rule I quoted in paragraph (a) is amended as follows:

§ 81.318e Rules and regulations of Board. • • •

(a) RULE I. General matters. • • • 8. Army Air Forces. The term "technical services" as used in these rules, includes the Army Air Forces; and the term "chiefs of the technical services" includes the Commanding General, Army Air Forces.

In § 81.325 paragraph (f) is added as follows:

§ 81.325 Anti-discrimination clause.

(f) When a prime contract is amended in accordance with paragraphs (c) or (d) of this section, it is not necessary that the existing subcontracts be correspondingly modified. However, if the subcontracts are subsequently amended for any other reason the anti-discrimination clause contained therein should be amended to conform to the wording of paragraph (a) of the clause set forth in paragraph (a) of this section. To make this clear,

there may be inserted in the supplemental agreement which amends the prime contract a statement substantially as follows:

The amendment made by this section \* \* \* enall he effective as of the date of approval of this supplemental agreement and shall not be deemed to require amendment of the anti-discrimination provisions contained in any subsontract therefore entered into unless such subcontract is subsequently modified in some other respect.

Section 81.326 is amended as follows:

§ 81.326 Disputes concerning questions of fact. Every contract, regardless of subject matter, for an amount of \$20,000 or more will, and every contract for an amount of less than \$20,000 may (at the option of the contractor), contain the following clause without deviation:

In § 81.330 paragraph (d) has been added as follows:

§ 81.330 Partial payment in amount not to exceed 75 per cent of cost to the contractor.

(d) It is recognized that property (including, without limitation, completed supplies, spare parts, drawings, information, partially completed supplies, work in process, materials, fabricated parts and other things called for herein) title to which is or may hereafter become vested in the Government pursuant to this Article will from time to time be used by or be put in the care, custody or possession of the contractor in connection with the performance of this contract. At the direction or with the approval of the contracting officer (whether such direction or approval is given prior to or after the giving of a notice of the termination of this contract for the convenience of the Government), the contractor shall make reasonable effort to transfer or dispose otherwise of such Government-owned property to such parties and upon such terms and conditions as the contracting officer may approve or ratify, or with like approval of the contracting officer, the contractor may retain such property or any of it at a price mutually agreeable. The proceeds of any such transfer or disposition or the agreed price shall be retained by the contractor and shall be applied in reduction of any payments to be made by the Government to the contractor under this contract, or shall otherwise be paid or credited to the Government in such manner as the contracting officer may direct. No such direction to transfer or dispose of such Governmentowned property, given prior to the giving of a notice of termination, shall be binding upon the contractor unless he consents thereto.

In § 81.331 paragraph (d) is amended as follows:

§ 81.331 Partial payment in amount not exceeding 90 per cent of direct labor and material cost to the contrac-

(d) It is recognized that property (including, without limitation, completed supplies, spare parts, drawings, information, partially completed supplies, work in process, materials, fabricated parts

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and other things called for herein) title to which is or may hereafter become vested in the Government pursuant to this Article will from time to time be used by or be put in the care, custody or possession of the contractor in connection with the performance of this contract. At the direction or with the approval of the contracting officer (whether such direction or approval is given prior to or after the giving of a notice of the termination of this contract for the convenience of the Government), the contractor shall make reasonable effort to transfer or dispose otherwise of such Government-owned property to such parties and upon such terms and conditions as the contracting officer may approve or ratify, or with like approval of the contracting officer. the contractor may retain such property or any of it at a price mutually agreeable. The proceeds of any such transfer or disposition or the agreed price shall be retained by the contractor and shall be applied in reduction of any payments to be made by the Government to the contractor under this contract, or shall otherwise be paid or credited to the Government in such manner as the contracting officer may direct. No such direction to transfer or dispose of such Government-owned property, given . prior to the giving of a notice of termination, shall be binding upon the contractor unless he consents thereto.

Section 81.331a is added as follows:

§ 81.331a Amendment of contracts to include the new partial payment, clause. Any contract which contains a partial payments article similar to that set forth in either § 81.330 or § 81.331 but not containing the substance of paragraph (d) of such article may be amended to include the substance of such paragraph (d) in such partial payments article. The addition of such paragraph is considered to be of advantage to the Government as simplifying and expediting the transfer and disposition of property acquired for or used in the performance of a contract and it has been determined that the making of such amendments will facilitate the prosecution of the war. Authority is granted to the chief of each technical service to make or to authorize the making of such amendments pursuant to the First War Powers Act and Executive Order No. 9001.

Section 81.337 (b) is amended as follows:

§ 81.337 Employment of aliens. \* \* \*

(b) Employment of aliens in connection with contracts for aircraft, aircraft parts or aeronautical accessories. All secret, confidential or restricted contracts which are also subject to the act approved July 2, 1926, as amended March 3, 1927, section 10 (j)-(p); 10 U.S.C. 310 (j)-(p), relating to the employment of aliens in connection with contracts for furnishing or constructing aircraft, aircraft parts or aeronautical accessories for the United States may also contain such reference to that act or its provisions as the Commanding General, Army Air Forces, deems appropriate.

In § 81.342 (a) paragraph (d) of Form I quoted therein is amended as follows:

§ 81.342 Price renegotiation clauses.

(a) [Form I] Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended.

(d) The Contractor will include in each subcontract described in paragraph (f) (2) (ii) of this Article and in each subcontract for an amount in excess of \$100,000 described in paragraph (f) (2) (i) of this Article, made by the Contractor under this contract, the following provision:

In paragraph (b), paragraph (a) of Form II quoted therein is amended as follows:

(b) [Form II] Renegotiation pursuant to section 403 of the Sixth Supplemental National Defense Appropriation Act as amended 1942.

(a) The Contractor will include in each subcontract described in paragraph (c) (2) (ii) of this Article and in each subcontract for an amount in excess of \$100,000 described in paragraph (c) (2) (i) of this Article, made by the Contractor under this contract, the following provision:

Section 81.352 is amended as follows:

§ 81.352 Delays-damage clause. Every lump-sum supply contract, regardless of subject matter except contracts for an amount of less than \$5,000, will contain a clause substantially as follows:

Delays-damages. (a) If the Contractor re-fuses or fails to make deliveries of the supplies within the time specified in Article or any extension thereor, the Government, subject to the provisions of paragraph (b) below, may, by a notice in writing from the Contracting Officer to the Contractor of its intention to terminate under this Article, terminate the right of the Contractor to proceed with delivery of the supplies or such parts thereof as to which there has been de-lay. In such event, the Government may (1) require the Contractor to deliver to the Government such completed supplies, partially completed supplies and materials, parts, plans, drawings, information, and contract rights of the Contractor, (hereinafter called manufacturing material), as the Contractor has produced or acquired for the performance of such portion of this contract as to which the right to proceed with delivery is terminated, and accomplish or secure the completion or manufacture of supplies therewith; and, in addition thereto or in lieu thereof (2) purchase in the open market or secure by contract or otherwise, the manufacture and delivery of supplies similar to those called for by this contract in an amount which together with the supplies, if any, completed under (1) above shall not exceed the amount of supplies the right to proceed with delivery of which is terminated. If dewith delivery of which is terminated. If delivery is made pursuant to clause (1) of the preceding sentence the Government shall pay to the Contractor, less any previous payments, the following: (a) For each unit of the completed supplies accepted by the Government the unit contract price, and (b) for all partially completed supplies and manufacturing material delivered, the unit contract price for each unit of supplies completed or price for each unit of supplies completed or manufactured therewith, less the cost to the Government of completion or manufacture, but if that cost exceeds the unit contract price, the Contractor and his sureties shall be liable for such excess. If the cost to the Government of supplies procured in accordance with clause (2) above exceeds the corresponding unit price or prices under this contract, the Contractor and his sureties shall be liable for such excess.

(b) The Government shall not have a right of termination under this Article if (i) the delay of the Contractor in making delivories is an excusable delay, as hereinafter defined, and (ii) the Contractor notifies the Contract ing Officer in writing of such delay and the cause thereof, within ten days from the beginning thereof or within such further period as the Contracting Officer shall, with the approval of the Secretary of War or his the approval of the Secretary of War or his duly authorized representative, prior to the date of final settlement of the contract, grant for the giving of such notice. Upon receipt of such notification from the Contracting the Contracting Conficer shall ascertain the cause of the delay, and his findings of fact thereon shall be final and conclusive on the parties beared subject to the contraction. on the parties hereto, subject to appeal within thirty days by the Contractor to the Sccretary of War or his duly authorized representative, whose decision on such appeal as to the cause of delay shall be final and conclusive on the parties hereto. The term "excusable delay" as used in this paragraph means any delay in making deliveries which results without fault or negligence on the part of the Contractor and which is due to unforeseeable causes beyond his control including, without being limited to, acts of God or of the public enemy, any preference, priority or allocation order issued by the Government or any other act of the Government, fires, floods, epidemics, quarantine restrictions, strikes, freight embargoes, and un-usually severe weather; and, unless the Contracting Officer shall determine that the materials or supplies to be furnished under a subcontract are procurable in the open market, any delay of a Subcontractor which results without fault or negligence on the part of the Contractor, and which is due to un-foreseeable causes beyond the control of the Contractor, including without being limited to the types of causes above enumerated.

If desired, paragraph (b) of the clause set forth in the introductory paragraph of this section may be modified in either of the following manners:

The portion of said paragraph (b) reading as follows may be eliminated:

and (ii) the Contractor notifies the Contracting Officer in writing of such delay and the cause thereof, within ten days from the beginning thereof, or within such further period as the Contracting Officer shall, with the approval of the Secretary of War or his duly authorized representative, prior to the date of final settlement of the contract, grant for the giving of such notice. Upon receipt of such notification from the Contract,

In such event the "(i)" in the words preceding the portion eliminated will be omitted, the comma after the word "defined" just preceding the portion eliminated will be changed to a period and the word "the" after the portion eliminated will be changed to "The".

There may be substituted for the first sentence of said paragraph (b), the following sentence:

The Government shall not have a right of termination under this Article if (i) the delay of the Contractor in making deliveries is an excusable delay, as hereinafter defined, and (ii) the Contractor notifies the Contracting Officer in writing of such delay and the cause thereof, prior to the date of final settlement of the contract.

If desired, the word "unforesceable", contained in the clause set forth in the

introductory paragraph of this section, may be omitted. In this connection, see paragraph (a) of this section.

For the purpose of the first sentence of paragraph (b) of the Delays-damages clause set forth in the introductory paragraph of this section and for the purpose of any like provision contained in any contract clause which has been inserted in a contract in lieu of said Delays-damages clause, the chief of the technical service or such person as he may designate shall be deemed to be the "duly authorized representative of the Secretary of War". If desired, the term "chief of technical service or his duly authorized representative" may be substituted for the term "Secretary of War or his duly authorized representative".

Section 81.353 (c) is amended as follows:

§ 81.353 Walsh-Healey Act; representation and stipulation.

(c) Minimum wage determinations under the Walsh-Healey Act. (1) It is not necessary that contracts subject to the Walsh-Healey Act contain a statement as to the minimum wage determination which is applicable.

(2) Provisions of subparagraph (1) above do not however, affect the requirement that the applicable minimum wage determination, if any, be set forth in the individual purchase action report

(See § 81.293).

In § 81.357 paragraph (f) is added as follows:

§ 81.357 Tax articles in fixed price (lump sum) contracts. \* \* \*

(f) Custom duties under the standard tax articles. Customs duties are Federal taxes from which exemption is not available and so, under the contract clauses set forth in paragraphs (a) and (b) of this section will, unless otherwise indicated in the contract, be deemed to be included in the contract price. As to the right to "drawback", see § 81.506 to paragraph (e).

In § 81.365 paragraphs (c), (d), (e), (g), (h) and (i) are amended as follows:

§ 81.365 Contract clauses in connection with bonds and insurance.

(c) Every cost-plus-a-fixed-fee contract will contain the following clause without deviation:

Insurance. a. The Contractor shall procure and thereafter maintain such bonds and insurance in such forms and in such amounts and for such periods of time as the Contracting Officer may require in writing and shall be reimbursed for the cost thereof;

(d) Every cost-plus-a-fixed-fee contract, the terms of which do not require the incorporation by reference in cost-plus-a-fixed-fee subcontracts, of the terms and conditions of the prime contract in regard to insurance and liability, will contain the following clauses without deviation:

Additional provisions. (1) The Contractor will include in each cost-plus-a-fixed-fee subcontract made under this contract provisions as follows:

(a) The title to all work under this sub-

(a) The title to all work under this subcontract, completed or in the course of manufacture or assembly in the Subcontractor's plant, shall be in the Government. Upon delivery thereof to the Subcontractor at any point within the continental limits of the United States or any place approved by the Contractor, title to all purchased materials, parts, assemblies, subassemblies, tools, machinery, equipment and supplies, for which the Subcontractor shall be entitled to be reimbursed hereunder, shall vest in the Government.

(b) There shall be included as an allowable item of cost hereunder any amount paid by the Subcontractor to cettle any claim of the Government for loss or destruction of or damage to property of the Government in the possession or control of the Subcontract, unless such loss, damage or destruction results from wilful misconduct or failure to exercise good faith on the part of Subcontractor's corporate officers or other representatives having supervision or direction of the operation of the whole of the Subcontractor's business or of the whole of any plant operated by the Subcontractor in the performance of this subcontract.

(c) The Subcontractor shall not be reimbursed for the cost of any insurance on any property of the Government.

(d) As used herein the term "Government" shall be deemed to mean the United States of America,

(2) The Contractor will, if so requested by the Contracting Officer, include in any particular cost-plus-a-fixed-fee subcontract, a provision as follows:

The Subcontractor chall procure and thereafter maintain the following insurance:
\_\_\_\_\_(here shall be inserted the types, amounts and limits of insurance, as specified in writing by the Contracting Officer). The cost of such insurance and losses or expenses (including cettlements made with the written consent of the Contracting Officer who executed the principal contract or his duly authorized successor or representative) not compensated by insurance or otherwise and found and certified by the contractor and said Contracting Officer or his duly authorized successor or representative to be just and reaconable, actually sustained by the Subcontractor in the defense and/or discharge of such claims of others on account of death or bodily injury of persons or loss or destruction of or damage to property as may arise out of or in connection with the performance of the work under this subcontract shall be allowable items of cost hereunder: Provided, That such reimbursement shall not include any amount for which the Subcontractor would have been indemnified or compensated except for the failure of the Subcontractor to procure or maintain insurance in accordance with the requirements of this subcontract. The Subcontractor shall give the Contractor immediate notice in writing of any suit or action filed against the Subcontractor, arising out of the performance of this subcontract and of any claims against the Subcentractor, the cost and expense of which is reimburcable under the provisions of this subcontract pertinent to allowable items of cost, and the risk of which is then uninsured or in which the amount claimed exceeds the amount of insurance coverage. The Subcontractor chall furnish immediately to the Contractor copies of all pertinent papers received by the Subcontractor. Insofar as the following chall not conflict with any policy or contract of insurance, and upon request of the Contractor, the Subcontractor shall do any and all things to effect an assignment and subrogation in favor of the Contractor or its nominee of all Subcontractor's rights and claims, except rights and cldims of the Subcontractor against the Contractor or such nomince, arising from or growing out of such accerted

claim, and, if required by the Contractor, chall authorize representatives of the Contractor or of its nomines to settle and/or defend any such claim and to represent the Subcontractor in or take charge of any such litigation. Every policy for the insurance referred to in this paragraph shall contain an indocrament or other recital excluding by appropriate language any claim on the part of the insurer or obligor to be subrogated on payment of a loss or otherwise to any claim

against the Contractor or the Government.

(3) Whenever a provision as set forth in paragraph (2) of this article is inserted in any subcontract, then the contractor will forthwith transmit to the Contracting Officer all notices and copies of papers received by it from the subcontractor, will make the Government its nominee for all assignments and subrogations received by it from the subcontractor thereunder and, if required by the Contracting Officer, will do everything in its power to have representatives of the Government authorized to cettle and/or defend the claims therein referred to and to represent the subcontractor in or to take charge of the litigation therein referred to.

(e) In accordance with the instructions contained in §§ 81.365 (f) and (i), inclusive, there will be inserted without deviation in Architect-Engineer-Construction-Management service contracts and all contracts (except supply contracts), executed under or in connection with such contracts, the appropriate clause or clauses set forth in said paragraphs.

(g) In cost-plus-a-fixed-fee subcontracts, executed under Architect-Engineer-Construction-Management service contracts, there will be inserted without deviation the following clauses:

All necessary insurance protection required under the terms of this contract will be provided by the policies maintained by the Architect-Engineer-Manager Contractor.

- (h) In lump-sum subcontracts, executed under Architect-Engineer-Construction-Management service contracts, there will be inserted without deviation deviation the following clause:
- (1) The Architect-Engineer-Manager Contractor will, at no cost to the Subcontractor, maintain policies providing the following incurance protection for the Subcontractor, which incurance shall apply only to operations of the Subcontractor under this subcontract and employees of the Subcontractor engaged therein and shall not apply to any other operations or employees of the Subcontractor:

(a) Workmen's compensation. (i) In jurisdictions where there are Workmen's Compensation Laws, either mandatory or elective, statutory coverage; and in jurisdictions where the Workmen's Compensation Law does not cover all occupational diseases, occupational disease coverage by endorsement for limits of \$50,000 per person in any one case and, subject to that limit for each person, an aggregate limit of \$100,000 for each year of the policy period;

(ii) In these states where there is a "per accident" limitation of coverage under parameters.

(ii) In those states where there is a "per accident" limitation of coverage under paragraph 1 (b) of the policy, an endorsement will be added to provide \$100,000 limit for each accident;

(iii) In those states where there is a "per person" limitation of coverage under personapp 1 (b) of the policy, an endorsement will be added to provide \$50,000 limit for each person;

(iv) In jurisdictions where there are no Workmen's Compensation Laws, Employers'

Liability Insurance, including occupational disease coverage, for limits of \$50,000 per person in any claim and, subject to that limit for each person, \$100,000 for two or more persons in any one accident and \$100,-000 aggregate limit for each year of the policy period for occupational disease claims.

(b) General liability. Insurance with limits of \$50/100,000 for bodily injury lia-

bility on the comprehensive policy form; the policy will be endorsed to include coverage

for aircraft and watercraft operations by elimination of any such exclusions therein.

(c) Automobile public liability and property damage. Insurance with limits of \$50/100,000 for bodily injury liability and \$5,000 for property damage liability on the comprehensive policy form covering all owned, non-owned and hired automobiles which will be used in connection with the work to be done under the contract, and which are not for use exclusively on the premises at which the work under such contract is performed.

(2) The Subcontractor may purchase at his own expense such additional or other insurance protection as he may deem necessary. The Contracting Officer or his authorized representative may restrict access to the site of the work to such personnel of any insurance carrier providing additional or other insurance coverage referred to in this paragraph for the proper servicing of such insurance as he may deem necessary.

(i) In prime lump sum or unit price contracts, collateral to Architect-Engineer-Construction-Management Service Contracts, there will be inserted without deviation the following clause:

(1) The Architect-Engineer-Manager Contractor will at no cost to the Contractor, maintain policies providing the following insurance protection for the Contractor and his Subcontractors (excluding supply subcontractors) which insurance shall apply only to operations of the Contractor and such Subcontractors under this contract and employees of the Contractor and such Subcontractors engaged therein and shall not apply to any other operations or employees of the Contractor and such Subcontractors:

(a) Workmen's compensation. (i) In jurisdictions where there are Workmen's Compensation Laws, either mandatory or elective, statutory coverage; and in jurisdictions where the Workmen's Compensation Law does not cover all occupational diseases, occupational disease coverage by endorsement for limits of \$50,000 per person in any one case, and subject to that limit for each person, an aggregate limit of \$100,000 for each

year of the policy period;
(ii) In those states where there is a "per accident" limitation of coverage under paragraph 1 (b) of the policy, an endorsement will be added to provide \$100,000 limit for

each accident;

(iii) In those states where there is a "per person" limitation of coverage under paragraph 1 (b) of the policy, an endorse-ment will be added to provide \$50,000 limit

for each person;

(iv) In jurisdictions where there are no Workmen's Compensation Laws, Employers' Liability Insurance including occupational disease coverage, for limits of \$50,000 per person in any claim and, subject to that limit for each person, \$100,000 for two or more persons in any one accident and \$100,-000 aggregate limit for each year of the policy period for occupational disease claims.
(b) General liability. Insurance with lim-

its of \$50/100,000 for bodily injury liability on the comprehensive policy form; the policy will be endorsed to include coverage for aircraft and watercraft operations by elimination of any such exclusions therein.

(c) Automobile liability and property damage. Insurance with limits of \$50/100,-000 for bodily injury liability and \$5,000 for property damage liability on the comprehensive policy form covering all owned, nonowned and hired automobiles which will be used, in connection with the work to be done under the contract, and which are not for use exclusively on the premises at which the work under such contract is performed.

Section 81.367 is amended as follows:

§ 81.367 Subcontracting clause to be included in fixed price supply contracts. (a) All fixed price supply contracts, except those in which, in the opinion of the contracting officer, subcontracting (as defined in paragraph (d) quoted below) is impracticable, will contain the following clause without deviation:

The following sections are rescinded, the regulations contained therein having been included in part 88, the particular sections as indicated below.

•	
Old sec. No.	New sec. No.
81.370	88. 15–204
81.371	88. 15-170 et seq.
	88. 15–310
81.372	88. 15–313
	88. 15-316
	88. 15-320
	88. 15 <del>-4</del> 20
	88. 15 <del>-44</del> 1 to 88. 15-454
	88. 15-530 to 88: 15-531
	- 、88. 15–600 -
	- 88. 15–912
81.373-81.373a	
	88. 15–310
81.374	
81.375	
81.376	
.81.377	88. 15–926

Section 81.379 is amended as follows:

§ 81.379 Steps to be taken in event of default. The rigid enforcement of contract provisions imposing liquidated damages on contractors for failure to perform within specified period, or authorizing termination of contracts for default, has been found in many in-stances to impede the prosecution of the war. The exercise by the several chiefs of technical services of discretion to take such action as may seem to them fair and equitable under all the circumstances will expedite the procurement of necessary war materiel and facilitate the prosecution of the war. For the foregoing reasons, authority is delegated to and confirmed in the chief of each technical service to authorize contracting officers under his command, subject to such limitations as the chief of the technical service may establish, to take any of the following courses in the event of default of the contractor:

(a) Permit the contractor to proceed and to charge the contractor with the actual damages resulting from the default. If the contract provides for liquidated damages, such damages and not actual damages must be charged.

(b) Enter into a supplemental agreement with the contractor's surety providing for the completion of performance of the contract and for payment therefor. Such supplemental agreement should clearly state that all rights against the contractor are reserved so far as the surety does not undertake to

cure the effect of the defaults by the contractor.

(c) Terminate the contract:

(1) Under any provision of the contract permitting termination in the event of default, in which case the provisions of § 81.380 shall be applicable. In exercising the authority to terminate for default due regard should be given to the preservation of rights against any surety on any performance bond.

(2) Under any contract article providing for termination for the convenience of the Government, when the defaults of the Contractor have not been gross or willful, and have not caused substantial injury to the Government, if the contracting officer shall find that the use of that termination article will facilitate the prosecution of the war and be equitable under all the circumstances.

(d) Extend by supplemental agreement the time fixed in the contract for performance in the manner provided in § 81.308e and within the time prescribed by § 81.308f, if the default consists of failure to perform within the time specified by the contract. In general, it is not the policy of the Government to terminate contracts for default under the stringent provisions of a delays-damages article, in a manner to bring about a forfeiture or a severe loss on the part of the contractor, merely because, at a time when the Government desires to terminate its contract for reasons not based upon the default of the contractor, the contractor happens to be in technical default under the contract. Attention is directed as to the provisions of § 81.308g.

Section 81.380 is amended as follows:

§ 81.380 Steps to be taken in event of termination because of default. If termination is effected pursuant to a contract provision substantially similar to that set forth in § 81.352 or § 81.1302 (i) of these procurement regulations, the chief of a technical service may, but is not required to, pursue the remedies provided for in such contract provision or available by law. In lieu of making use of such remedies he may within the time prescribed by § 81.308f, if he finds that to do so will facilitate the prosecution of the war, make a supplemental agreement with the contractor and relieve the contractor of liability which would result from the enforcement of such remedies. Such an agreement may be entered into only with the prior approval of the Director, Purchases Division, Headquarters, Army Service Forces (obtained in the manner provided in § 81.308a) except where the chief of a technical service shall find any one of the following facts:

(a) That the Government no longer has need for the supplies, services, or construction called for by the contract;

(b) That the supplies or services, undelivered because of the contractor's default, can be obtained from some source other than the contractor on a basis as favorable as that set forth in the contract or that the construction provided for in the contract can be accomplished on terms substantially as favorable to

the Government as though performed under the original contract;

(c) That for reasons of policy the technical service wishes to buy supplies of the type covered by the contract on terms more expensive or less favorable to the Government than those set forth in the terminated contract. (For example, the technical service may desire to buy from particular producers or in particular geographical areas in order to distribute war work more widely despite any extra expense involved. The excess expense in such a case should not equitably be charged to the contractor);

(d) That any excess cost charged to the contractor would be nominal;

(e) That the contractor currently employs less than 100 employees or was recommended as a prime contractor by the Smaller War Plants Division, War Production Board, has other war contracts existing or prospective, and that enforcement of the remedies provided in the contract would materially impair his ability to perform such contracts.

Section 81.394 is added as follows:

§ 81.394 Contracts for electric power—(a) Presidential directives.
(1) Under date of September 26, 1942, the following letter was received by the Secretary of War from the President:

MY DEAR MR. SECRETARY:

It is of the utmost importance that the costs of the war program be held to a minimum consistent with the fullest and most rapid progress. In arranging for the electric power supply for war plants or establishments, the cheapest sources of power consistent with war requirements should be used.

Public and private power supplying agencies should be advised as far in advance as possible of the prospective location and requirements of plants or establishments on or near their systems in order that they may assist in solving the power supply problems involved at the lowest possible cost. In many instances it should be possible to lessen power costs if provision is made for power to be supplied to the consuming agencies directly from the power generating agency. If the lines of the lowest cost power supplying agency do not connect immediately with the war plants, there is no reason why connecting lines of other companies or agencies should not be utilized for a reasonable transmission charge. I am asking the Federal Power Commission to cooperate by using its emergency powers when necessary to make available transmission and other appropriate services for the effectuation of this policy.

I do not think that companies not them-

I do not think that companies not themselves having sufficient power to supply war plants should be purchasing power from neighboring public power agencies for resale to these plants at a substantial profit. In such cases business like procedure would suggest that the power be purchased directly from the power supplying agencies and reasonable transmission charges be paid to the

transmitting companies.

Adoption of my suggestion will not discriminate in favor of public or private power, but will accord with sound business practice. Sincerely yours,

(Signed) FRANKLIN D ROOSEVELT

Hon. Henry L. Stimson, Secretary of War.

(2) Under date of October 22, 1942, the following letter was received by the

Chairman, Federal Power Commission from the President:

OCTOBER 22, 1942. My dear Mr. Olds:

I would like the Federal Power Commission, after consultation with the procurement agencies and the War Production Board, to establish the procedure, outlined in the attached memorandum, to effectuate the policies set forth in my letter of September 26, 1942, addressed to the War Department, Navy Department, Maritime Commission, Defense Plant Corporation, Federal Housing Agency and the War Production Board.

Sincerely yours,

(Signed) FRANKLIN D ROSEVELT

Hon. LELAND OLDS, Chairman, Federal Power Commission.

(b) War Department power procurement officer. Pursuant to the directives from the President set forth in paragraph (a) of this section, the Chief, Repairs and Utilities Branch, Office of the Chief of Engineers has been designated as the War Department power procurement officer.

(c) Designation. The chiefs of the technical services (including the commanding generals of the Service Commands) are directed to designate an officer or civilian official through whom all matters relating to contracts for electric power will be cleared to the Chief, Repairs and Utilities Branch, Office of the Chief of Engineers. The latter should be notified of such appointment and of the address and telephone number of the person designated.

(d) Execution of contracts. Contracts for electric power involving less than 1000 kilowatts may be executed without consulting the Chief, Repairs and Utilities Branch, Office of the Chief of Engineers. No contract for 1000 kilowatts or more will be executed without first obtaining the approval of the Chief, Re-

pairs and Utilities Branch.

(e) Renegotiation. See § 81.1204 (h)

## BONDS AND INSURANCE

 $\cdot$  Section 81.437 (d) is amended as follows:

§ 81.437 Miscellaneous insurance.

- . (d) Contractual liability insurance. This form of insurance is provided in the Comprehensive General Liability Policy where a contractor or subcontractor has assumed liability under:
  - (1) A lease of premises,
  - (2) An easement agreement,
- (3) An agreement required by municipal ordinance,

(4) A sidetrack agreement, or

(5) An elevator or escalator maintenance agreement. Where a contractor or subcontractor is authorized to assume and has assumed liability under an agreement other than one of those referred to in the preceding sentence and the chief of the technical service deems that insurance for the assumed liability is necessary, a copy of such agreement, together with full details and the recommendation of the chief of the technical service, will be forwarded to the Contract Insurance Branch, Special Financial

Services Division, Headquarters, Army Service Forces for appropriate action.

Section 81.481 is amended as follows:

§ 81.481 Automobile bodily injury and property damage liability insurance.

(a) For insurance on projects located in the District of Columbia, the Territories of Alaska and Hawaii and all states except Louisiana, Massachusetts, North Carolina and Texas, it is prescribed that the Manual Rules and Rates of the National Bureau of Casualty and Surety Underwriters shall be used as a basis for determining the standard premium for automobile bodily injury and property damage liability insurance subject to the following modifications:

(1) All commercial automobiles shall be rated as medium class 5 regardless of the class and load capacity to which such commercial car would ordinarily be assigned except in Massachusetts where light class 4 will be applicable.

(2) All automobiles classified as private passenger automobiles under the Manual Rules and Rates shall be classified as "Class C".

(3) In lieu of the rates appearing in the Manual Rules and Rates for non-ownership bodily injury and property damage liability, standard limits rates applicable to this coverage shall be as follows, such rates to apply to the total payroll on the project:

(i) \$.06 per \$1,000 for payroll for bodily injury liability effective for new and renewal policies written on or after 1 March, 1943, in all states except:

Kancas effective 30 April, 1943. Indiana and North Carolina effective 5 May, 1943.

Washington effective 8 May, 1943. Virginia effective 30 May, 1943.

(ii) \$.05 per \$1,000 of payroll for property damage liability.

(4) All automobiles owned by the Federal government and furnished for the contractors' use on a project, and all automobiles hired or purchased under rental purchase contracts shall be classified and rated in the same manner as automobiles owned by the contractor. Hired automobiles other than those hired under a rental purchase contract shall be rated in accordance with the rules and rates prescribed in the Manual.

(5) Neither the experience rating plan nor the automobile fleet plan discount nor any other individual risk rating plan shall be used but in lieu thereof, and in recognition of the reduced hazards on these risks the manual rates including the rates set forth above shall be subject to a uniform discount of 50%.

(b) For insurance on projects located in Louisiana, Massachusetts, North Carolina and Texas, it is prescribed that the rules and rates of the organization set forth below shall be used as a basis for determining the standard premium for automobile bodily injury and property damage liability insurance subject to the modification set forth in subparagraphs (1) to (5) above:

(1) Louisiana: The Louisiana Casualty & Surety Rating Commission.

(2) Massachusetts: Massachusetts Automobile Rating and Accident Prevention Bureau.

(3) North Carolina: North Carolina Automobile Rate and Administrative Office.

(4) Texas: The Board of Insurance Commissioners.

(c) For insurance on projects located in the States of Illinois, New Hampshire, New York, Oklahoma, Virginia and Washington, the Manual Rules and Rates of the National Bureau of Casualty and Surety Underwriters referred to in paragraph (a) of this section, shall be used in the form in which they are filed with and approved by the state supervising authority having jurisdiction.

(d) In the event that coverage is required for any automobiles for which passengers are carried for a consideration, such automobiles are to be rated in accordance with the Manual Rules and Rates applicable to public automobiles, subject to the 50 percent discount applicable to other classes of auto-

mobiles.

Section 81.491 (c) is amended as follows:

§ 81.491 Claims, losses and claims service under the War Department insurance rating plan. \*\* \*

- (c) Insurance medical facilities, first aid and hospital (contract medical). (1) An agreement has been effected with insurance carriers concerning the standard form endorsement and the maximum percentages to be used in the distribution of project site medical (contract medical) cost between the contractor and the insurance carrier.
- (2) The agreement provides for project site medical endorsement as follows:

It is agreed that "losses incurred" as defined in paragraph 1-b of the Insurance Rating Plan Endorsement, shall include \_\_\_\_% of the amount paid as salaries to "medical personnel" employed at the project site; Pro-vided, however, That such amount is subject to a maximum of \_\_\_\_% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages.

"Medical personnel" as used in this endorsement shall include: doctors, internes, nurses, technicians, and, if employed on a full time basis to perform services normally rendered by a nurse, orderlies, and nurses'

aides.

- (3) The percentage of amount paid as salaries "to medical personnel" (first blank in above endorsement) is to be fixed by negotiation subject to the following maxima:
- ' (i) Construction projects-66%% of such
- (ii) Manufacturing projects-50% of such salaries.
- (iii) Explosives risks-33 1/3 % of such salaries.
- The maximum percentages of (4) standard premium for workmen's compensation and employers' liability coverages (second blank in above endorsement) are:
- (i) Construction projects-71/2 % of stand-
- ard premium.

  (ii) Manufacturing projects 10% of standard premium.
- (iii) Explosives risks-5% of standard premium.

(5) The endorsement set forth in subparagraph (2) of this paragraph is to be used when the project is entirely a construction project, a manufacturing project or an explosive risk. If the project changes from a "construction project" to either a "manufacturing project" or an "explosive risk" two endorsements will be necessary. The first, effective as of the effective date of the policies, will be the same as the endorsement described in subparagraph (2) of this paragraph, (except that the phrase "applicable to construction operations" will be added at the end of the first paragraph of the endorsement. The second, effective as of the date of change of character of the risk, will be the same as the endorsement described in subparagraph (2) of this paragraph, except that the percentage of salaries will be that applicable to the new operations, and the phrase "applicable to \_. (insert 'manufacturing' or 'explosives') Operations" will be added at the end of the first paragraph of the endorsement.

(6) If the project is at the same time in part a "construction project" and in part either a "manufacturing project" or an "explosive risk" or any combination of the above, the endorsement to be used effective as of the date and during the period the project includes more than one operation will be the same as the endorsement described in subparagraph (2) of this paragraph except that:

(i) The percentage inserted in the first bracket will be determined on a pro rata basis determined by taking into account the existing and probable future situation as regards payroll expenditure with respect to each type of operation.

(ii) The phrase "the sum of \_... of the Standard Premium for Work-men's Compensation and Employers' Liability coverages applicable to operations and

(construction or manufacturing)

\_\_% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages applicable to operations"

(manufacturing or explosives) replaces the phrase "\_\_\_\_% of the Standard Premium for Workmen's Compensation and Employers' Liability coverages". When mixed operations no longer exist the endorsement will be revised in accordance with the procedure hereinbefore outlined.

(7) All policies effective 15 July 1943 and thereafter will have endorsements affixed thereto in accordance with this § 81.491 (c). Immediate arrangements will be made by the technical service concerns to have the carriers execute and attach such endorsements to each workmen's compensation and employers' liability policy written under the War Department insurance rating plan in effect prior to 15 July 1943. Copies of such endorsements will be forwarded to the Contract Insurance Branch, Special Financial Services Division, Headquarters, Army Service Forces, as soon as possible in order that final settlements now pending on a number of these contracts may be disposed of. The endorsements will be retroactive to the effective date of the policies.

(8) The percentage of project site medical mentioned herein and the percentage of standard premium are maxima and subject to these maxima, the distribution of medical salaries between the carrier and the contractor is subject to negotiation. If on any project arrangements were hitherto in effect whereby any carrier assumed a smaller percentage of the project site medical then the maxima provided herein, the endorsements should not provide any greater percentage of such medical cost to be included by the carrier than the percentage heretofore agreed upon.

(9) In arriving at agreed percentages of medical salaries, consideration should be given to a proper allocation based upon industrial accident exposure.

Section 81.496 (h) is amended as follows:

§ 81.496 Patent infringement bond.

(h) Consent of surety. (1) The following form is authorized for use in all cases other than those specified in subparagraphs (2) and (3) below.

Consent of Surety is hereby given to the foregoing Supplemental Agreement, and the Surety agrees that its bond or bonds shall apply to and cover the due performance of the contract as modified and extended thereby.

(2) The following form is authorized for use in cases where only payment bonds are involved.

Consent of Surety is hereby given to the foregoing Supplemental Agreement and the surety agrees that its bond or bonds shall apply and extend to the contract as modified or amended thereby.

(3) The following form is authorized for use when advance payments are added by supplemental agreement after the original contract has been executed and the performance bond given.

The undersigned surety company (or companies), surety (or sureties) on the performance bond supporting Contract No. with \_\_\_\_\_ dated \_ (principal) of .... state) hereby consent to the alteration of the contract effected by the execution of the agreement supplemental thereto dated ments, upon the condition that is (or they) shall not be liable under such performance bond for any portion of the advance payments which is not used by the contractor for the purposes of the contract.

If, in the event of default under the contract, the surety company (or companies) is (are) permitted to perform, and in case the additional funds for full performance are not available, it is understood and agreed that the number of articles to be delivered or the services to be performed under said contract shall be reduced in the proportion that the amount of advance payment moneys not used for the purposes of the contract bears to the total contract price.

In witness whereof, the respective sureties have executed this instrument under their several seals this \_\_\_\_ day of \_\_\_\_ 19...., the name and corporate seal of each corporate party being hereto affixed and these presents duly signed by its undersigned representative pursuant to authority of its governing body.

(4) In appropriate cases, the words "supplemental agreement" contained in the above forms may be changed to "change order".

## FOREIGN PURCHASES

Section 81.503 (c) is amended as follows:

§ 81.503 Applicability of Act. \* \* \*

(c) Acts cognate to the Buy-American (1) The Military Appropriation Act. Act, 1944 approved 1 July, 1943 (Public Law 108, 78th Congress) contains a proviso that no part of any appropriation contained in that Act "shall be available for the procurement of any article of food or clothing not grown or produced in the United States or its possessions, except to the extent that the Secretary of War shall determine that articles of food or clothing grown or produced in the United States or its possessions cannot be procured of satisfactory quality and in sufficient quantities and at reasonable prices as and when needed, and except procurements by vessels in foreign waters and by establishments located outside the continental United States, except the Territories of Hawaii and Alaska, for the personnel attached thereto."

(2) By determination of the Under Secretary of War, dated July 15, 1943, the restrictions of the Act deferred to in subparagraph (1) above were suspended as to all articles, materials or supplies constituting, using or containing such articles of food or clothing as were theretofore exempted from the operation of

the Buy American Act.

Section 81.505 is amended as follows:

§ 81.505 Clearance through customs. The procedure for clearing through customs materials imported by the War Department is set forth in detail in Circular No. 407, War Department, 1942. That circular also describes the circumstances under which such materials may be admitted free of duty. All personnel concerned with procurement of materials abroad should familiarize themselves with the contents of the circular.

(a) In connection with Circular No. 407, attention is invited to the follow-

ing points:

(1) Except as indicated in subparagraph (2) below, materials imported by the War Department will be consigned to the War Department or to an official of the War Department acting in his official capacity (where necessary or convenient, in care of a commercial plant or firm). In such cases the bill of lading or carrier's certificate will show the War Department or an official of the War Department as consignee.

the War Department as consignee.

(2) War Department Lend-Lease materials imported through an inland border point and destined to a United States port for waterborne export will

be consigned as follows:

To War Shipping Administrator, as principal, for account of

(Authorized agency for Lend-Lease government) Send arrival notices to \_

(Name and address of appropriate War Shipping Administration forwarding corporation at port of export)

and

United States Army Port Agency

(Address and port of export)
The carrier's certificate will show the War
Department as owner or consignee of the
materials.

(3) Materials consigned as indicated in subparagraph (1) or (2) above will not be held at ports of entry for the filing of entry papers, but in all cases entries will be prepared as soon after release as possible and filed at the ports of entry. Materials so consigned will in no instance be forwarded in bond.

(4) All entries of materials imported by the War Department will be made in the name of the War Department.

(5) In the event materials held in customs bonded warehouse at a point within the United States are purchased by the War Department, the warehouse withdrawal will be properly endorsed to show the War Department as authorized to make withdrawal, and the withdrawal from warehouse will be made in the name of the War Department.

Section 81.506 is amended as follows:

§ 81.506 Drawback—(a) Provisions of Tariff Act. Under the provisions of the Tariff Act of 1930 (see Chapter 4, Title 19, U. S. Code) it is provided that under certain circumstances the amount of customs duties paid on merchandise imported shall be refunded as a "drawback". The most usual circumstance under which this right arises is when there are exported out of the United States articles which were manufactured or produced in the United States with the use of merchandise imported from abroad. It is provided that the full amount of the duties paid on the merchandise so used, less 1% of such duties, shall be refunded as a "drawback".

(b) Customs regulations. The prob-lem frequently arises as to who is entitled to claim the drawback. Assume, for example, that an importer manufactures with the imported merchandise an end product which he sells to an exporter. Under the Act referred to in paragraph (a) of this section, someone is entitled to a refund of the import duties. The rule for determining whether the manufacturer or the exporter is entitled to this refund is stated in Article 1070 of the customs regulations. This regulation provides that a manufacturer of articles with respect to which there is a right to a drawback is not entitled to the drawback unless, on the sale or consignment of the articles, he has reserved to himself the right to claim the drawback and produces evidence that such reservation was made with the knowledge and consent of the exporter.

(c) War Department policy. It is the policy of the War Department that, except as indicated in paragraph (e) of this section, when the Government pur-

chases articles with respect to which there is a right to a drawback the price paid shall include the customs duties, and accordingly the manufacturer will have no claim to a drawback.

(d) Right to drawback under standard tax articles. Since customs duties are not Federal taxes from which exemption is available, such duties will, under the standard tax articles set forth in \$81.357 (a) and \$81.357 (b), be deemed to be included in the contract price. Therefore, when pursuant to paragraph (e) of this section, it is desired to make an exception to the policy set forth in paragraph (c) of this section, it will be necessary to insert in the contract an express statement that the price does not include the customs duties.

(e) Exceptions to War Department policy. Exceptions to the War Department policy set forth in paragraph (c) of this section may be made:

(1) In the case of contracts for the purchase of cigars and cigarettes.

(2) In any other case where approval has first been obtained from the Director, Purchases Division, Headquarters, Army Service Forces.

No exceptions will, however, be made by the Director, Purchases Division, with respect to Lend-Lease contracts.

Section 81.507 is amended as follows:

§ 81.507 Marking of shipments. (a) All materials procured abroad will be marked as prescribed in memorandum issued under date of June 1, 1943, by the Office of the Adjutant General, file 400.161 (5-19-43 OB-S-SPMOT-M), except that materials imported through an inland border point and destined for an interior point within the United States will be marked as prescribed in paragraph (b) below.

(b) In all cases of materials imported through an inland border point and destined for an interior point within the United States; each container included in a less than carload lot (LCL), less than truck load lot (LTL), express, parcel post, or other shipment where markings are required will be marked to indicate that the U. S. War Department or an official of the U. S. War Department acting in an official capacity is the consignee.

Section 81.508 is rescinded as follows: § 81.508 Freight charges. [Re-

scinded]
In § 81.509 paragraph (a) is amended and paragraph (i) is added as follows:

§ 81.509 Purchases from Canadian suppliers—(a) No contracts to be made directly. The technical services shall not directly enter into contracts with contractors domiciled in the Dominion of Canada for the delivery of supplies to be produced in Canada. All such contracts will be entered into with War Supplies Limited through its Washington representatives, or, under the circumstances set forth in paragraph (i) of § 81.509, with North West Purchasing Limited. Such corporation will then arrange with the Canadian Department of Munitions and Supply for the purchase by that Department from Canadian contractors of the supplies covered by the contracts

between the War Department and War Supplies Limited or North West Purchasing Limited, as the case may be.

(i) North West Purchasing Limited.
(1) In connection with various War Department projects in the Canadian Northwest, including the Alcan Highway and associated projects, there has been organized a Canadian Crown Company known as North West Purchasing Limited. This company has been incorporated by the Department of Munitions and Supply, Ottawa, Canada.

(2) Contracts for the purchase of materials, machinery, machine tools and equipment necessary in connection with the construction and maintenance of the above-mentioned projects should not be entered into directly with contractors domiciled in the Dominion of Canada. All such contracts will be entered into with North West Purchasing Limited.

(3) In a letter dated 12 April 1943 from the Department of Munitions and Supply to the President of War Supplies Limited, which was forwarded to the War Department, it was stated in part:

It is not the intention of this Department to enter into an agreement with the Government of the United States regarding profit limitations, etc., as North West Purchasing Limited has already undertaken to purchase stores required by the Northwest Service Command at prices no higher than those charged the Department of Munitions and Supply, and all purchase allocation orders placed by North West Purchasing Limited are confirmed by the Northwest Service Command.

(4) The standard renegotiation clause will not be included in contracts with North West Purchasing Limited.

Interbranch and Interdepartmental Purchases

Section 81.605a is added as follows:

§ 81.605a Indefinite quantity contracts executed by various technical services. In the succeeding paragraphs there is set forth information with respect to certain indefinite quantity contracts executed by various technical services under which all of the technical services are obliged to purchase their requirements.

Section 81.605b is added as follows:

§ 81.605b Contracts for recapping and retreading tires, and repairing tires and tubes—(a) General. The Ordnance Department has executed a number of contracts for recapping and retreading tires and repairing tires and tubes. Detailed information with respect to these contracts is contained in a pamphlet entitled "instructions relating to indefinite quantity contracts for recapping and retreading tires and repairing tires and tubes". Copies of this pamphlet may be obtained by interested services from the Administrative Branch, Supply Section, Office of Chief of Ordnance, Washington, D. C. The same information also appears in paragraph 6,030 of Ordnance procurement instructions.

(b) Procedure for placing orders. The same type of purchase order as is used

for placing orders under the General Schedule of Supplies (see § 81.606 (f)) will be used for placing orders under the Ordnance contracts, except that there will be added a certificate reading as follows:

None of the supplies or services enumerated on this requisition, purchase order, contract, or voucher (as the case may be) are to be used for any expense for or incident to the maintenance, operation, or repair of any motor-propelled vehicle in violation of the provisions of law quoted in Circular No. 241, War Department, 1942.

(c) Tax exemption certificate. A blanket tax exemption certificate is issued covering Federal excise taxes on all purchases made under the contracts referred to in paragraph (a) of this section. Accordingly no tax exemption certificates will be issued in connection with specific purchases made under such contracts. It is not necessary that the purchase order contain a reference to the number of the blanket tax exemption certificate. It is sufficient that it contain a reference to the contract number.

(d) Special provisions. The pamphlet referred to in paragraph (a) of this section contains a price list and other details and special provisions applicable to particular contracts. In any case where the price for repairing, recapping or retreading tires of a particular size is not listed, the price may be fixed by the contracting officer at a price not lower than the price quoted for the same service on the next smaller size tire quoted in such price list and contracting officer's decision shall be final and binding. The prices quoted do not include

ing. The prices quoted do not include Federal taxes for which exemption is granted, nor any tax imposed by a State, County or municipality upon the transaction of purchasing materials or services in question.

(e) Exceptions. In the event that the contractor is unable to provide or arrange for facilities to perform any services ordered under the contract within ten days from the receipt of such order, the contracting officer is released to that extent from any obligation to procure such services under the contract. He may then procure them from any available source.

In § 81,609 paragraphs (a) and (b) are are amended as follows:

§ 81.609 Purchases under contracts of Post Office Department—(a) Requirement. Envelopes required by the military services (other than by the departmental service, War Department, Washington, D. C.) will be procured under the contracts entered into by the Post Office Department unless it is impracticable to do so.

(b) Envelopes authorized for supply to the military service. (1) The following envelopes only are authorized for supply to the military service (excluding the Departmental Service, War Department, Washington, D. C.) on requisitions, the item numbers corresponding to those in "Award of Contracts for Envelopes", Post Office Department:

No.

17. 41% by 9½ inches, Kraft, open side.
36. 5 by 11½ inches, Kraft, open side.
49. 6½ by 9½ inches, Kraft, open side.
49. 6½ by 9½ inches, Kraft, open side or open end.
93. 10 by 15 inches, Kraft, open side or open end,
5-inch flap.
111. 2½ by 4¼ inches, Kraft, open end.
122. 3¾ by 5% inches, Kraft, open end.
123. 3¾ by 7½ inches, Kraft, open end.
189. 3¾ by 7½ inches, Kraft, tag, strong oyelet at bottom, open end.
189. 3¾ by 8 ¾ inches, White, open side.
192. 4½ by 9½ inches, White, open side.
203. 3% by 8% inches, White, open side.
204. 4½ by 9½ inches, White, open side, with Opaquing Design inside.
204. 4½ by 9½ inches, White, open side, window.
405. 3% by 8% inches, Kraft, open side, window.
436. 4½ by 9½ inches, White, open side, window.
504. 4½ by 9½ inches, White, open side, window.
504. 4½ by 9½ inches, White, Air Mail, red and blue border.

(2) Requisitions should be directed to the Office of the Purchasing Agent, Post Office Department, Washington, D. C. Such requisitions may be sent directly and need not be sent through the office of the chief of the technical service concerned.

Section 81.610 (i) is added as follows:

§ 81.610 Purchases from government printing office.

(i) Federal Prison Industries, Inc., has available facilities for performing printing work for the War Department. It is to be noted that these facilities are not listed in the letter set forth in \$81.608 (c) and so that use of the printing services is not mandatory. However, wherever practicable, it is desirable that use be made of these facilities. The facilities are available at three prisons and may be made use of by sending a purchase order directed to one of the following:

Warden of Federal Reformatory, El Reno, Oklahoma.

Superintendent of Industries, Leavonworth Penitentiary, Leavenworth, Kansas, Business Manager of Industries, Atlanta Penitentiary, Atlanta, Ga.

Where the form of purchase order contains the standard convict labor clause, the clause should, of course, be deleted (subparagraph (1) of § 81.903 (a)).

Section 81.613 (i) is amended as follows:

§ 81.613 Purchases of property of other agencies through the Procurement Division, Treasury Department

(i) Redistribution and Salvage Branch. Although direct communication by the technical services with the Procurement Division, Treasury Department is authorized, the Redistribution and Salvage Branch, Production Division, Headquarters, Army Service Forces, is available for consultation when the technical services desire assistance in their negotiations with the Procurement Division, Treasury Department. That Branch should be promptly advised whenever it comes to the attention of a technical service that property desired by such service has been requested by an agency

of the Government other than the War Department.

FEDERAL, STATE AND LOCAL LAWS

Section 81.811 (b) is amended as follows:

§ 81.811 Forms. \* \* \*

(b) Supply of standard forms; reports of forms—(1) Supply of standard forms. Chiefs of technical services are responsible for the supply of necessary stand-ard forms to their contracting officers.

(2) · Reports of forms. Reports, accounting for these forms, will be submitted by issuing officers as directed by the chief of the technical service concerned.

Section 81.913 is added as follows:

§ 81.913 Policy regarding construction and maintenance work. See § 81.260.

In § 81.918 paragraphs (c) and (d) are redesignated (d) and (e) and a new paragraph (c) is added as follows:

§ 81.918 General instructions.

(c) Contracting officers are responsible for seeing that contractors to whom are awarded contracts subject to the Walsh-Healey Act are furnished Posters, Form PC-13, simultaneously with the making of the award, or as soon thereafter as possible. These forms may be obtained from the Wage and Hour and Public Contracts Division, Department of Labor, Washington, D. C.

(d) Requests for exemptions, modifications, and exceptions authorized by section 6 of the basic law will be submitted by the chief of the technical service concerned to the Industrial Personnel Division, Headquarters, Army Service Forces, thru the Purchases Division, Headquarters, Army Service Forces.

(e) Under date of August 12, 1942, the Secretary of Labor amended all prevailing minimum wage determinations issued under the Walsh-Healey Act and in effect on said date to provide that handicapped or superannuated workers may be employed at subminimum rates in accordance with the present applicable regulations issued by the Administrator of the Wage and Hour Division under the Fair Labor Standards Act, and that such handicapped or superannuated workers may not be employed at subminimum rates under any other conditions. Said amendment was made applicable to all contracts subject to the Walsh-Healey Act, bids for which were solicited or negotiations for which were commenced on or after September 15,

Section.81.976f is amended as follows:

§ 81.976f Salary increases (§ 4001.6)-(a) General. In the case of a salary rate of \$5,000 or less per annum existing on the date of the approval of these regulations by the President and in the case of a salary rate of more than \$5,000 per annum existing on October 3, 1942, no increase shall be made by the employer except as provided in regulations, rulings, or orders promulgated under the

authority of these regulations. Except as herein provided, any increase made after such respective dates shall be considered in contravention of the Act and the regulations, rulings, or orders promulgated thereunder from the date of the payment if such increase is made prior to the approval of the Board or the Commissioner, as the case may be.

In the case, however, of an increase made in accordance with the terms of a salary agreement or salary rate schedule and as a result of:

(1) Individual promotions or reclassi-

fications,

(2) Individual merit increases within established salary rate ranges,

(3) Operation of an established plan of salary increases based on length of service,

(4) Increased productivity under incentive plans,

(5) Operation of a trainee system, or(6) Such other reasons or circumstances as may be prescribed in orders, rulings, or regulations, promulgated under the authority of these regulations.

no prior approval of the Board or the Commissioner is required. No such increase shall result in any substantial increase of the level of costs or shall furnish the basis either to increase price ceilings of the commodity or service involved or to resist otherwise justifiable reductions in such price cellings.

(b) Statement of Commissioner of Internal Revenue on payment of overtime compensation to salaried employees. The Commissioner of Internal Revenue under date of 1 July 1943 issued a statement for the guidance of employers who find it necessary to pay their salaried employees additional compensation to maintain productive efficiency on account of the extension of the normal week. This statment reads in part as follows:

The Commissioner's jurisdiction extends only to salarica employees receiving more than \$5,000 a year and to executive, administrative and professional employees receiving less than \$5,000 a year who are not represented by a recognized labor organization. In order to come within the Commissioner's jurisdiction, an executive employee must receive more than \$30 a week, and an adminictrative or professional employee must re-ceive more than \$200 a month. Due to the extension of the work week,

employers are required under the provisions of the Fair Labor Standards Act to pay their nonexempt wage carners and others of their salaried personnel coming within the juris-diction of the Fair Labor Standards Act additional compensation at time and a half for all hours worked in excess of 40 in any one calendar week. Employers are not legally required to compensate the supervisory personnel on the same basis as the wage carners. However, it is customary for employers to maintain reasonable pay differentials between the wage earners and their supervisors and between the several levels of supervision. Payment for overtime to the wage earners without any additional compensation to the calaried personnel in many cases results in the wage earners receiving more total compensation for a given period than their im-mediate supervisors and in some cases more than the second and third levels of supervision.

In order to clarify the position which will be taken in this matter, the Commissioner has issued instructions to the regional offices of the Salary Stabilization Unit as to the methodo under which payments of additional compensation to calaried personnel may be determined. Under these instructions, the maximum amounts which will be allowed are such amounts as are necessary to keep the minimum differentials between the interrelated job classifications required for the maintenance of productive efficiency. The Commissioner stated that no set rule may be extablished for determining such amounts, because of the variations of differentials between wage and salary levels within plants and industries. However, the amounts allowed will be proportionately less in the higher levels. Approval is required in all cases except where the employer had a regularly catabilished overtime payment plan in effect on October 3, 1942, and neither the plan, the rates, nor the hours have been changed. The maximum limitations within which payments may be made will be determined on the following basis:
Additional compensation may be paid at

the came overtime rates to all employees in a particular plant for the actual scheduled hours worked in excess of the regular 40-hour work week as it is paid to the highest hourly paid employee, whose rate is subject to the Fair Labor Standards Act, if their compensation for the 40-hour work week is equal to or less than that of such highest hourly paid

employee.

In the application of this principle, the highest participating pay level in direct line of supervision and the minimum additional compensation necessary for the level shall be determined to the satisfaction of the Commiccioner. The amount allowable to the highest rated hourly employee will then be progressively reduced for the several intervening pay levels in such manner that each succeeding higher level receives a proportionately leaser amount, until the minimum amount allowable for the highest participating pay level as previously determined is recented.

This plan may be followed with respect to all calaried positions between the highest hourly rated employee receiving compensa-tions at overtime rates and the highest salaried position for which overtime compensa-tion is required.

The level of supervision at which the minimum additional compensation is to be allowed will depend upon the circumstances prevailing in each particular case. Therefore, in order to expedite consideration of their problem, employers, in submitting applications for approval to make overtime adjustments, chould include complete information, covering particularly the following: The hours of the extended work week; the hours of the previous work week; the rates of pay of the wage and calaried employees under the jurisdiction of the National War Labor Board; the amounts and rates of overtime precently being paid to those groups as well as to the groups under the jurisdiction of the Commissioner; the number of employees for whom payments are proposed, together with their rates of pay; a description of the several types or levels of supervision; a sum-ciently clear description of the job classifications and positions of those required to work the came or more hours than the wage corners under the extended work week and for whom overtime compensation is required; the top level of supervision at which the minimum additional compensation is required; the amount of additional compensation deemed necessary in the top level of supervision so determined; and the basis upon which both the top level of supervision and the amount of additional compensation to be paid that level have been determined.

In § 81.97711 paragraph (q) is amended by omitting the last sentence of Pro-

No. 174-4

cedural Regulation 17 quoted therein, as follows:

§ 81.977ll Functions and jurisdictions of the Salary Stabilization Unit and its regional offices. \* \*

(q) Purposes of regulations.

17. Purposes of regulations. The purposes of the salary stabilization regulations of the Economic Stabilization Director and the Commissioner, as stated in Executive Order 9250, approved October 3, 1942, are to stabilize the cost of living in accordance with the Act of October 2, 1942, and to aid in the prosecution of the war. In order to carry out those purposes, salary rates prevailing on September 15, 1942, should not be increased or decreased unless necessary to correct maladjustments, inequalities or gross inequities, or to aid in the effective prosecution of the war.

In § 81.979 (k) subparagraph (1) (iii) is amended as follows:

§ 81,979 Jurisdiction and procedure of Regional War Labor Boards. \*

(k) Authority of Regional War Labor Board. (1) Applications for approval of voluntary wage and salary adjustments.

(iii) Copies of all such rulings and of any accompanying opinions (together with such other material as the wage stabilization division may require) shall, when issued, be filed with the National War Labor Board. Unanimous rulings may be issued when made. Rulings which are not unanimous may be issued when made, unless any member of the Regional War Labor Board voting with respect to the ruling desires that it be stayed, in which event such ruling may be issued only upon the expiration of 10 days after the date of its receipt in Washington (subject thereafter to the National War Labor Board's power of non-retroactive review on its own motion), unless (a) the ruling is earlier approved by the National War Labor Board, or (b) within the ten-day period the National War Labor Board sets the case down for review, in which event the ruling will be stayed until the case is finally disposed of.

Section 81.980d is amended as follows: § 81.980d General Order No. 4.

\*

General Order No. 4. Wage adjustments made by employers who employ not more than eight (8) individuals are exempted from the provisions of the Executive Order No. 9250 of October 3, 1942.

(a) Interpretation No. 1 of General Order No. 4.

Interpretation No. 1 of General Order No. 4. The exemption granted by General Order No. 4 to employers who employ not more than eight individuals does not apply to employers who own or operate more than one plant or unit where the aggregate of employees in such plants or units exceeds eight.

(b) Interpretation No. 2 of General Order No. 4.

Interpretation No. 2 of General Order No. 4. The exemption provided for by General Order No. 4 shall not apply to employers whose employees' wages, hours or working conditions have been established or negotiated on an industry, association, area or other similar basis, whether by master contract or by separate but similar or identical contracts.

## (c) General Order No. 4-A.

General Order No. 4-A. General Order No. 4 of the National War Labor Board dated October 9, 1942, exempting employers who employ not more than eight individuals from the provisions of said Executive Order, shall not apply to the employment of tool and die

## (d) General Order No. 4-B.

General Order No. 4-B. The time as of which to determine whether an employer employes "not more than eight individuals" within the meaning of General Order No. 4 is the time when the wage or salary adjustment is agreed to, or, if it is not made by agreement, the time when it is put into effect. But an employer who, during any given year following October 3, 1942 in the case of wages, or October 27, 1942, in the case of salaries, has made adjustments affecting in the aggregate eight employees, will not, if he wishes to make any further adjustments within said year, be exempt under General Order No. 4.

### (e) General Order No. 4-C.

General Order No. 4-C. General Order No. 4 of the National War Labor Board, dated October 8, 1942, exempting employers who employ not more than eight individuals from the provisions of Executive Order 9250, shall not apply to logging, sawmill, or planing mill operations in California, Oregon, Washington, Idaho, or Western Montana.

Section 81.980z is amended as follows:

#### § 81.980z General Order No. 26.

General Order No. 26. (a) Adjustments in the wages or salaries of employees engaged in rendering hospital services and employed by a non-profit organization which maintains and operates a hospital will be deemed approved without submission to the Board, providing that such adjustments do not raise the wages or salaries beyond the minimum noninflationary going rates for similar occupational groups in the labor market area.

(b) Monthly reports of such adjustments shall be submitted by each such organization to the National War Labor Board's Division of Review and Analysis, together with such information and data as the said Division or the Board may from time to time require.

(c) Such adjustments shall be subject to the National War Labor Board's ultimate right of review on its own initiative, but any modification or reversal thereof will not be retroactive.

In § 81.980bb paragraph (a) is added as follows:

§ 81.980bb General Order No. 31. \* \* \* (a) Statement of 17 June 1943, by the National War Labor Board regarding General Order No. 31. In order to dispose of any doubts with respect to the intent of General Order No. 31, the National War Labor Board states as follows:

(1) Job classification rates or rate ranges presuppose more than mere descriptive titles of positions. The job classification must be clearly defined and described as to content. When different skills and responsibilities are necessary, there must be different job classifications bearing their own rates or rate ranges. A mere descriptive job title and a poorly defined or extremely wide rate range is not

a job classification rate range.
(2) Job classification rates or rate ranges must have been in existence properly on 31 May 1943. They must be those which were in existence prior to 3 October 1942, or those resulting from permitted adjustments subsequent to that date, or rates set for new

jobs under either the former or the revised General Order No. 6 (§ 81.930f). Improper adjustments of rates for job classifications or for individual employees are not a basis for determining a job classification rate or rate

(3) Where proper job classification rate ranges existed on 31 May 1943, but no plan, as defined in subparagraphs 1, 2, or 3 of Section I-A-1-b of General Order No. 31, individual adjustments may be made within and between the job classification rate ranges in accordance with subparagraph 4 of the Order without Board approval. But an employer may not substitute for an existing plan (as defined in subparagraphs 1, 2, or 3 of Scotion. I-A-I-b of General Order No. 31) any now plan (including a plan embodying the methods set forth in subparagraph 4 of Section I-A-I-b of the Order) without first obtaining Board approval.

(4) In adopting a plan of making individual adjustment in accordance with the criterla set forth in subparagraph 4 of Section I-A-1-b of General Order No. 31, an employer may not use both merit increases and automatic length-of-service increases for individual adjustments with respect to a given job classification. This does not produde Board approval of any plan which provides for both merit and automatic length-of-serv-

ice adjustments.

(5) Modifications of existing plans of making individual adjustments (including apprentice or trainee programs) require

Board approval.

(6) Where no proper job classification rates or rate ranges existed on 31 May 1948, individual adjustments may not be made with-out Board approval until a schedule, as defined, is approved by the Board.

In §-81.981e paragraph (a) is added as follows:

§ 81.981e Shipbuilding Commission.

(a) On 3 July 1943, the National War Labor Board notified the Shipbuilding Commission that its power to issue final decisions in voluntary wage and salary cases and in dispute cases was withdrawn because of a provision in the War Labor Dispute Law (section 7 (c)). The industry commission will continue to function, however, and will make recommendations to the National Board, which will make the final decisions.

### PART I-SHIPBUILDING STABILIZATION COMMITTEE

A. Title III, Section 3 of Executive Order No. 9250 of October 3, 1942, provides: "The National War Labor Board shall permit • • • the Shipbuilding Stabilization Commit-tee • • • to continue to perform its functions • • • except insofar as any of them is inconsistent with the terms of this order." Pursuant thereto, the Shipbuilding Stabilization Committee shall continue to perform the functions ascribed to it by general Administrative Order No. 2-57 of the chairman of the War Production Board and by the Shipbuilding Stabilization Zone Standards Agreements as amended May 16, 1942.

B. No new wage rate fixed by Zone Standards Agreement shall become effective until approved by the National War Labor Board.

## PART II-SHIPBUILDING COMMISSION

A. The National War Labor Board hereby creates the Shipbuilding Commission.

B. The Commission shall consist of seven members; a chairman, two members representing management and two members representing labor (and such alternates as may be appropriate) appointed and paid by the Board; one member (and such alternates as may be appropriate) appointed by the Secretary of the Navy; and one member (and

such alternates as may be appropriate) appointed by the Maritime Commission.

C. The chairman of the Commission and the members appointed by the Secretary of the Navy and the Maritime Commission shall be deemed to represent the public.

D. The Commission shall rule on all applications for approval of voluntary adjust-ments of wages, salaries, and other reim-bursable costs and on all disputes of whatever nature, using procedures similar to those of the National War Labor Board.

E. The Commission shall apply zone standards to yards that have agreed to them and in applying them shall be bound by the Shipbuilding Stabilization Committee's

interpretations.

F. The Commission shall be governed by Executive Order Nos. 9017 and 9250 and all regulations heretofore or hereafter issued thereunder, and by the National War Labor Board's statement of wage policy of November 6, 1942. Subject to the approval of the National War Labor Board, it may make its

own regulations and rules of procedure.

G. Every ruling of the Commission shall be final, subject only to review by the National War Labor Board on its own motion. Every ruling of the Commission shall be deemed the act of the National War Labor Board unless and until reversed or modified; and any such reversal of medification shall take effect only from the date of its issu-ance; Provided, however, That if a ruling on wage or salary rates and other reimburs-able costs is modified or overruled, the final ruling may be retroactive.

PROCEDURE FOR OBTAINING CLEARANCE AND Approval of Industrial Facility Ex-PANSIONS

Sections 81.1008 81.1015 are to amended as follows:

§ 81.1008 Suomission of projects. The chief of the technical service concerned will submit to the Production Division, Headquarters, Army Service Forces, as provided in § 31.1009 below, every proposed industrial facility expansion or conversion involving:

New construction or rehabilitation, beyond that normally chargeable to maintenance, regardless of amount.

Expediting production funds.

The addition, under other funds, of ma-chinery or equipment, the estimated cost of which exceeds \$100,000, excluding jigs, dies, fixtures, and gages.

(a) Definition of industrial facility. An industrial facility, as used in this regulation, is defined as a manufacturing plant with all necessary appurtenances thereto including utilities, warehouses, testing buildings, and similar items. Manufacturing plants, together with the facilities required to supplement such plants, at War Department owned and operated Arsenals, Dapots, and similar establishments, are also considered industrial facilities.

(b) New facilities. When new facilities are first being considered, the initiating office will contact the Production Division, Headquarters, Army Service Forces, Washington, D. C., to ascertain the availability of existing facilities suitable for the required production.

§ 81.1009 Approval of projects and release of expediting production funds.
(a) Applications for approval of any proposed facilities expansions or conversions of the type described in § 81.1003 above, and for release of expediting production funds, where such funds are required, will be made to the Production Division, Headquarters, Army Service Forces, except as provided for the Army Air Forces in paragraphs (a) and (b) of § 81.1010. Such applications will supply the following information in quadruplicate. Items not applicable to a particular project will be so indicated.

(1) Name of the project.(2) Name and address of propered operator.

- (3) Location of project with map chowing location.
- (4) Product and by-products to be produced with maximum capacity of the proposed facility for each.

(5) Estimated costs:

Land\_ .ccres\_\_ &\_\_\_ (ii) Purchase of existing plant\_\_\_\_\_ 8\_\_\_\_ (iii) Construction... (iv) Machine Tools (installed) ... (v) Other machinery and equipment (installed) \_\_\_\_\_\_ Government overhead and Mis-

The figures shown for machine tools and other machinery and equipment will be the value of all the tools and equipment to be physically added to the operation. There will be an indication of the portion of each

which it is estimated will be secured from

cellaneous (give breakdown)\_ 8.

available excess lists.

(6) Method of financing. If use of Expediting Froduction Funds is required, make a request for a specific amount or state that such a request will be submitted reparately, stating, also, how the remainder of cost, if any, is to be financed.

(7) Description of proposed construction and of site. (Include number of buildings, purpose of each, and equare feet of preductive and nonproductive floor space in each build-

(8) General statement of proceeding operations to be performed in the plant on the item to be preduced and the principal types of machine tools and other mechinery and equipment necessary therefor. Indicate nature of additional machine tools and other machinery and equipment included in the proposed project.

(9) Estimated critical materials:
(1) Steel...... nounds.

\_\_ pounds.

(ii) Copper\_\_\_\_\_ rounds.

(ili) Aluminum\_\_\_\_\_ pounds. (10) (i) Estimated date of initial opera-

tion.
(ii) Estimated date of completion of con-

(iii) Estimated date of full operation. (11) General statement of raw materials required for operation and the course of

supply.
(12) Estimated labor requirements for operation (include estimated percentage of female labor):

(i) Supervisory and administrative.
(ii) Skilled.
(iii) Semi-skilled.
(iv) Unskilled.
(v) Total.

- (vi) Total supervicory, administrative and skilled labor required for initial operation.
  (vii) Will adequate labor be available?
  (13) Power:

- (i) Expected maximum demand in kilo-(ii) Availability of adequate power locally.

(iii) Source of power supply. (14) Transportation:

(i) Estimated transportation requirements. (ii) Availability of adequate main line

rail facilities.

(iii) Availability of adequate improved highway facilities to the site.

(15) Water: (1) Expected water requirements in gallong per day.

(ii) Availability of adequate supply of

(iii)- Source of cupply. (i0) Type of fuel: (i) Type of fuel. (ii) Source of cupply of fuel.

(iii) Average quantity required per month.

(ii) Average quantry required per monta-(17) Sowage disposal requirements and proposed method of handling. (18) (i) Estimated number of units and amount of new housing required. (ii) Are all necessary public utilities avail-able and are they adequate for the new hous-ing required? If not, explain methods propoced for providing them.

(19) As available, summarized data on site

coloction as reported by the technical servico charged with responsibility for the project.

(20) Reasons which caused the recom-mended cite to be selected against alternate cites

(21) Affirmative opinion with respect to cach of the following points as they apply to the proposed facility (regardless of above data):

(i) It is exential for the war effort.

(ii) Postponement of construction would

be detrimental to the var effort.

(iii) It is not precticable to rent or convert existing facilities for the purpose.

(iv) The construction will not result in

duplication or unnecessary expansion of ex-icting plants or facilities now under conctruction or about to be constructed.

(v) All peccible economies will be made

(v) his parabolic economies will be made in the project, resulting in deletion of all non-excential items and parts. (vi) The structure of the project will be designed of the simplest type, just sufficient to meet the minimum requirements.
(vii) The answers to the following ques-

tions relating to conditions at the proposed cite are all to be affirmative to the extent that they are partinent:

(a) Are there culicient labor and ma-

(a) Are there humann many and materials available to build it?
(b) Will machine tools and other equipment be available to equip it?
(c) Will ray materials be available to op-

crate it?

(d) Can the manufactured product he used at once or stored until needed?

(22) Statement of requirements for item to be produced and existing capacity for such production. Include under this heading:
(i) Total requirements for each of 1943

and 1944.

(ii) List of existing producers, including

there in present of expansion.

(iii) Scheduled 1843 production from each.

(iv) Maximum monthly capacity of each facility and month when that capacity viil be reached.

(b) Where it is deemed essential, in the interest of expedition, to file any application before the complete data required above are available, the missing information will be supplied promptly in a second letter following the original application.

(c) Except for the projects of the Army Air Forces, all applications by the technical services must be approved by the Director, Production Division, and by the Director of Procurement, Headquarters, Army Service Forces.

§ 81.1010 War Production Board clearance. Except as provided in § 81.1011 below, each proposed industrial facility expansion involving construction, estimated to cost \$10,000 or over.

and those not involving construction, estimated to cost \$100,000 or over, must be approved by the Industrial Facility Committee (or in some instances by the Non-Industrial Facility Committee), War Production Board.

(a) When a project of a technical service has received the approval of the Director, Production Division, and the Director of Procurement, Headquarters, Army Service Forces, the Production Division will submit two copies of the application received under § 81.1009 above to the Industrial Facility Committee (or in certain instances to the Non-Industrial Facility Committee), War Production Board, if clearance by those agencies is required, for approval of project essentiality and will act as the liaison for the technical service in obtaining action. The Industrial Facility Committee, or the Non-Industrial Facility Committee, will notify the Production Division, Headquarters, Army Service Forces, which in turn will notify the technical service.

(b) For projects of the Army Air Forces which require approval by the War Production Board and which involve expediting production funds, the Army Air Forces will address and submit two originals of the application containing the information specified in § 81.1009 directly to the Industrial Facility Committee (or in certain instances to the Non-Industrial Facility Committee), War Production Board, and will send the remaining two copies of the original application to the Production Division, Headquarters, Army Service Forces, for its information and record. The Industrial Facility Committee, or Non-Industrial Facility Committee, will notify the Army Air Forces directly of the action taken, sending an information copy to the Production Division, Headquarters,

Army Service Forces. (c) When projects of the Army Air Forces do not require approval by the War Production Board but involve expediting production funds, the Army Air Forces will make application for such funds to the Under Secretary of War through the Production Division, Headquarters, Army Service Forces, including in such application the following certification as to necessity, signed for the Commanding General, Army Air Forces, by the Chief, Resources Division, Office, Assistant Chief of Air Staff, Material, Maintenance and Distribution, or one of his superior officers:

It is hereby certified that the items of expenditure herein referred to are essential to enable this facility to attain the production capacity required of it in order to meet the peak requirements of the currently authorized aircraft program.

The merits of such projects will not be reviewed by the Production Division, Headquarters, Army Service Forces.

§ 81.1011 Increased costs only. Increases in costs of projects previously approved by Headquarters, Army Service Forces, or by the Under Secretary of War, which are due to a low initial estimate and do not involve a change in the scope of the project or production output, do not require approval of the War

Production Board but do require clearance by the Production Division, Headquarters, Army Service Forces. All such applications of the technical Services must include a clear statement of the particular factors justifying the increased costs, and will be subject to the approval of the Production Division, Headquarters, Army Service Forces, except as indicated under paragraph (c) of § 81,1010.

§ 81.1011a Continuing capital expenditures application. (a) This application may be made by a technical service for approval of continuing capital expenditures required in connection with an existing project theretofore sponsored by or transferred to sponsorship of such technical service. Such application shall state:

(1) The estimated costs of the additional capital facilities required for a specified current or ensuing quarter year (giving breakdown thereof in accordance with paragraph (a) (5) of § 81.1009, together with estimated dollar amount required for the next succeeding three quarter-years, the total amount of such four quarter-years not to exceed five percent of the total estimated cost of the project as theretofore approved;

(2) The necessity for such continuing

capital expenditures; and

- (3) The method of financing thereof, the amount of expediting production funds, if any, required therefor, and the manner in which the balance of such expenditures will be financed. Such application shall be submitted to the Production Division, Headquarters, Army Service Forces, and, except as indicated under paragraph (c) of § 81.1010, shall be approved by the Division. Approval of the War Production Board of such application is not required, regardless of the amount.
- (b) Approval of such application shall be subject to the following terms and conditions:
- (1) Such expenditure shall be limited to items normally classified as capital charges and shall not be used for items which may properly be charged to maintenance, repairs, or operations;
- (2) Such expenditures shall be only for construction, alterations, extension, machinery, equipment, or other facilities required to round out or improve operating efficiency, balance production, or otherwise develop maximum utilization of the existing project;
- (3) Such expenditures shall not be used for any new structure, the estimated cost of which exceeds \$25,000, nor for camouflage or any new administration buildings or cafeterias, but may be used for alterations or extensions of existing facilities of this character.
- § 81.1012 Expediting production funds. When a project requires release of expediting production funds, application therefor shall be made to the Production Division, Headquarters, Army Service Forces, in the application for approval of the project, or in a separate application, in either case stating the amount of expediting production funds required and the manner in which any remaining cost is to be financed. When

a project for which expediting production funds are requested has received approvals herein required to be given by the Production Division, Headquarters, Army Service Forces, the War Production Board, or both, or has been certified in behalf of the Commanding General, Army Air Forces, in accordance with paragraph (c) of § 81.1010, the Production Division, Headquarters, Army Service Forces, will submit the project, with all supporting information, to the Under Secretary of War for approval and release of expediting production funds.

§ 81.1013 Notification of approvals. In all cases involving approval by the Production Division, Headquarters, Army Service Forces, or release of expediting production funds, the Production Division, Headquarters, Army Service Forces, will advise the interested technical service in writing when the project has received all necessary approvals.

§ 81.1014 Obtaining the letter of commitment in connection with Defense Plant Corporation lease agreements. Where the proposed expansion is to be financed through a Defense Plant Corporation lease-agreement, the letter of commitment from the War Department to the Defense Plant Corporation will be submitted to the Under Secretary of War. Such submission will be through the Legal Division, Office of the Under Secretary of War, and will be accompanied by a brief statement of the nature, location, estimated cost and productive capacity of the project, together with a statement that the project is essential and that the estimated cost thereof is believed reasonable.

§ 81.1015 Approval of contracts or agreements required in special cases. The following contracts will be submitted to the Director, Purchases Division, Headquarters, Army Service Forces, for approval:

- (a) All emergency plant facilities contracts.
  - (b) All special facilities contracts.
- (c) All contracts required to be submitted under § 81.1007.
- (d) All other agreements or leases for providing facilities to a contract except (1) those authorized under § 83.723 and, (2) those evidenced by a contract clause substantially in the form set forth in § 81.332.

MISCELLANEOUS PURCHASE INSTRUCTIONS

In § 81.1110 paragraphs (e) to (i) are amended as follows:

- § 81.1110 Agreement with the United Kingdom for the interchange of patent rights and industrial information. \* \* \*
- (e) Handling of requests for acronautical items. Requests by the United Kingdom and by the United States will be handled as provided in paragraphs (c) and (d) above except that the duties therein assigned to the Director, International Division, Headquarters, Army Service Forces, will be performed by the Chief, International Section, Matériel Division, Office of Assistant Chief of Air Staff, Matériel, Maintenance and Distribution, Army Air Forces and requests

by the United States will be forwarded by the Chief, International Section, Matériel Division, Office of Assistant Chief of Air Staff, Matériel, Maintenance and Distribution, Army Air Forces to the

United Kingdom.

(f) Consultation with patent and technical officers. Officers charged with procurement should consult with the patent and technical officers of the technical service in reaching a determination as to the amount, if any, to be paid for the item requested. The patent officer will ascertain whether the United States has the right without further payment to transfer the item requested. Advice with respect to the foregoing may be obtained from the Chief, Patents Division, Office of The Judge Advocate General.

(g) Acquainting contractors of rights under agreement. The technical services should bring to the attention of such contractors as would be interested the right. under the agreement, to have secured for their use in war production licenses under patents of the United States or of the United Kingdom owned by British nationals.

(h) Questions of policy or procedure under agreements. All questions of policy or procedure arising under the agreement as well as under the agreements referred to in § 81.1111, shall be referred to the Director, Purchases Division, Headquarters, Army Service Forces.

(i) Notice of claim of infringement. As stated in paragraph (b) (9) of this section, prompt notice of any claim of infringement should be given (1) to the Director, International Division, Headquarters, Army Service Forces, or to the Chief, International Section, Matériel Division, Office of Assistant Chief of Air Staff, Matériel, Maintenance and Distribution, Army Air Forces, as the case may be, for the purposes specified in paragraph (b) (9) of this section, and (2) to the Chief, Patents Division, Office of The Judge Advocate General for record purposes.

In § 81.1112 paragraphs (h) and (i) are amended as follows:

§ 81.1112 Adjustment of royalties for use of inventions. \* \* \*

(h) Delegations. By memorandum of the Secretary of War dated 20 November 1942, as amended under date of 30 January 1943, and 19 June 1943, there has been delegated to the Chiefs of the Technical Services (and in the case of the Army Air Forces, also the Assistant Chief of Air Staff, Matériel Maintenance and Distribution, Army Air Forces and the Chief, Procurement Branch, Ma-tériel Division, Office of the Assistant Chief of Air Staff, Matériel, Maintenance and Distribution, Army Air Forces) the powers, duties and authorities conferred upon him by the Act:

(1) To determine that the written notice, referred to in paragraph (b) of this section, should be given and to give written notice of the fact that the rates or amounts of royalties are believed to be unreasonable or excessive;

(2) To receive and hear such facts or circumstances as may be presented in writing or in person as specified in paragraph (c) of this section;

(3) To fix and specify by the order referred to in paragraph (c) fair and just rates or amounts of royalties and to authorize the payment thereof by the licensee to the licensor, subject, how-ever, to the approval of such order by the Director, Purchases Division, Headquarters, Army Service Forces; and

(4) To enter into an agreement before suit against the United States has been instituted with the owner or licensor of an invention, in full settlement and compromise of any claim against the United States accruing to such owner or licensor by reason of the manufacture, use, sale or other disposition referred to in paragraph (b) of this section and for compensation to be paid such owner or licensor based upon future manufacture, use, sale or other disposition of such invention, subject, however, to the approval of such agreement of settlement and compromise by the Director, Purchases Division, Headquarters, Army Service Forces. By said memorandum a like delegation was made to the Commanding General, Army Service Forces and to the Director, Purchases Division, Headquarters, Army Service Forces.

(i) Further delegations. The authority referred to in subparagraphs (1) and (2) of paragraph (h) of this section has been further delegated to the

following:

(1) All Division Engineers of the Corps of Engineers,

(2) Director of Research and Development Division, Signal Corps, and
(3) Royalty Adjustment Board, Army Air Forces, Materiel Command, Wright Field, Dayton, Ohio.

The Secretary of War or the Under Secretary of War upon request will make further delegations. In the event the chief of any technical service desires that the authority referred to in subparagraphs (1) and (2) of paragraph (h) of this section be delegated to other officers, such chief shall forward to the Director, Purchases Division, Headquarters, Army Service Forces, a memorandum specifying the office to whom such delegation should be made and the extent of such delegation. The title of the position held and not the name of the individual officer should be specified. The powers, duties and authorities referred to in paragraph (h) shall not be redelegated by the chiefs of the technical services under the authority to redelegate conferred in paragraph (i) of § 81.107.

In § 81.1135 paragraph (a) is amended and in paragraph (c) additional maximum price regulations are listed.

§ 81.1135 Index of Army purchase items. \* \*

(a) OPA revisions of price regulations. Whenever the Office of Price Administration makes an industry-wide revision of ceiling prices on any item purchased by the War Department, or other revision in ceiling prices affecting products purchased by the War Department, the

chief of the technical service involved will notify all contracting officers concerned and the service's Price Analysis Section.

(c) Maximum price regulations and price schedules, by number and title.

No.

347 Mica.

Logs and Bolts. 349

Distributors' Maximum Prices for Certain Coarse Paper Products.

Packers' Tin Cans. Ferrous Forgings. 350 351

Chestnut Extract.

Certain Fine Chemicals.

354 Copper Sulphate.

Retail Ceiling Prices for Beef, Veal, Lamb and Mutton Cuts. Royalties on Copper, Lead and Zinc

Ores. India-Tanned Goatskins.

Insulation Cambric and Separator Cloth.

Certain Converted Paper Products. 359

Binder Twine.

361 Pulpwood Produced in or Sold into the States of Maine, Vermont, New Hamp-shire and New York.

362 Gelatin.

363 Flue-Cured Tobacco Plants.

Frozen Fish and Seafood.

Wood Matches.

363 Fresh Tuna Fish. 367

Horsemeat. "
Northeastern Hardwood Lumber. 363

369

Dry Roofing Felt. Linceed Oil Meal, Cake, Pea Size Meal

and Pellets. 371 Onion sets.

Uced Domestic Washing Machines. 372

Specific Maximum Prices in Hawaii. Jewelry and Certain Other Articles in

the Territory of Hawaii.
Sales of Uced Industrial Sewing Machines and Rental Rates for New and Uced Industrial Sewing Machines.
Certain Fresh Fruits and Vegetables.

Die Castings. Mixed Feeds for Animals and Poultry.

Tool Steel Scrap Used Metal Coll and Flat Bedsprings. Stock Screen Goods. 380

381

Wide Mouth Glass Confainers. 382

Certain Sales of Prairie Bones.

Sales by Processors of Salt Codfish.

386

Specified Military Uniforms.
Agricultural Liming Materials.
Pulpwood Produced in the States of

South Carolina, Georgia.

Pulpwood Cut from the Stump in Certain Southeastern States.

Celling Prices for Certain Sausage Items at Wholesale.

Household Scaps and Cleansers Sold by Retail Food Stores.

391 Household Scaps and Cleansers Sold by Manufacturers and Certain Whole-Ealers.

392 Packaged Drugs.

Packaged Cosmetics.

Retail Celling Prices for Kosher Beef, Veal, Lamb and Mutton Cuts.

395 Maximum Frices in the Virgin Islands of the United States.

Sales by Canners of Atlantic Sea Herring 398 and Alewives.

Flazzeed.

Variety Meats and Edible By-Products at Wholesale.

New Ice Boxes. 393

Merchants' Prices for Fine Papers and Certain Paperboards.

Certain Corn Products for Animal Consumption.

402 Western Red Cedar Lumber.

Certain Rubber Commodities Purchased for Governmental Use.

No. Title

Potash. 404 405 Ferrosilicon and Silicon Metal.

Synthetic Resins and Plastic Materials. errochromium and Chromium Metal.

Distribtuors' Prices for Brass Mill Prod-408 ucts and Services.

Frozen Fruits, Berries and Vegetables 409 (1943 Pack and After).
410 Pulpwood Produced in the States of

Arkansas, Texas, and that Portion of Louisiana West of the Mississippi River.

411 Reusable Steel Storage Tanks (Field Assembled).
Tidewater Red Cypress Lumber.

Hinges and But Hinges. 413

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Certain Federal Government Purchases of New Rubber Tires and Tubes. 416 Basic Refractory Products. 417 Fresh Fish and Seafood.

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Sun-Dried Shrimp. 419

Hardwood Heel Blocks and Finished Hardwood Heels. Ceiling Prices of Certain Foods Sold at

421 Wholesale.

422 Ceiling Prices of Certain Foods Sold at Retail in Group 3 and Group 4 Stores.
423 Ceiling Prices of Certain Foods Sold
at Retail in Independent Stores Doing an Annual Business of Less than \$250,000 (Group 1 and Group 2 Stores).

424 Tight Cooperage Stock and Sawed Tight Cooperage.

425 Fresh Fruits, Berries and Vegetables for Processing.

Fresh Fruits and Vegetables for Table Use, Sales except at Retail.

## Section 81.1180 is amended as follows:

§ 81.1180 Discounts in purchasing-(a) General rule. Frequently contractors include in their bids offers of discounts for cash or prompt payment. In view of the volume of purchasing being presently done, it is frequently not practicable to effect prompt payment and thus take advantage of these provisions. It is therefore apparent that if these offers were taken into account in deciding whether to award a contract to one contractor rather than another, the decision to award the contract to one might be made on the basis of an offer of a cash discount the benefit of which the Government would never receive. The rule has therefore been established that offers of a discount for cash or prompt payment will be disregarded in deciding between two possible contractors.

(b) Example. Let us assume that bids are solicited, informally, or otherwise, and two contractors submit bids. Contractor A quotes a price of \$1.00 per unit with an offer of a 10% discount for prompt payment. Contractor B quotes a price of \$1.10 per unit. Disregarding A's offer of a 10% discount, the contracting officer nevertheless decides that the contract will be awarded to contractor A because his unit price of \$1.00 is lower than that quoted by contractor B. The question now arises whether the rule set forth in paragraph. (a) of this section requires that A's offer of discount for prompt payment should be disregarded. The answer obviously is that it should not be disregarded. The discount provision should be included in the contract. It was disregarded in making the decision to award the contract to A, but once the contract was awarded to A, the Government should

take advantage of all of the terms offered by contractor A.

(c) Ratification of past action. Because of the misunderstanding of previous regulations, it appears that in some instances contracting officers have felt that it was necessary, under the circumstances set forth in paragraph (b) of this section, to omit from the contract any provision with respect to discounts. Their action in doing so is hereby ratified.

(d) Fiscal aspects of discounts. For fiscal aspects of cash discounts, see AR 35-6200, as amended by Change No. 1, published under date of July 29, 1943.

The final paragraph in §81.1187 is amended to read as follows:

§ 81.1187 Restrictions on purchases of selected items for the duration of the war. \* \* \*

The purchase of the items referred to in the circular set forth in this section, is prohibited for the duration of the war except for essential war needs. No such item will be purchased without the prior approval of the Director, Purchases Division, Headquarters, Army Service Forces. Requests for such approval must be accompanied by a complete statement of facts showing that the proposed purchase is for an essen-3 tial war need.

RENEGOTIATION AND PRICE ADJUSTMENT

Section 81.1205 is added as follows:

§ 81.1205 Exemptions pursuant § 81.1204 (b)—(a) Exemption by the Chief of Engineers. By memorandum dated March 15, 1943, the Chief of Engineers exempted from the provisions of section 403, contracts and subcontracts with a national or resident individual, partnership, association, company or corporation of a foreign country when such contracts are to be wholly performed in a foreign country and are executed under the jurisdiction of the Chief of Engineers.

Section 81.1213 and 81.1214 are added as follows:

§ 81.1213 Administration of statutory renegotiation—(a) Agencies responsible. Statutory renegotiation under section 403, as amended, and under contract provisions inserted pursuant to that Act, is conducted by Price Adjustment Boards and Price Adjustment Sections and not by the Contracting Officers.

The procedure and (b) Procedure. principles to be followed in statutory renegotiation are governed by instruc-tions prescribed by the War Department

Price Adjustment Board.

§ 81.1214 Effect of statutory renegotiation on price adjustments by contracting officers-(a) Restrictions during and after statutory renegotiation. renegotiation pursuant to said section 403 as amended (hereinafter referred to as statutory renegotiation) is in progress or after it has been concluded with respect to a fiscal period of a contractor. contracting officers will not accept or seek price reductions or refunds in lieu thereof, which will affect the sales or earnings of the contractor for such fiscal period without the prior consent of the Price Adjustment Board or Section which is conducting or has conducted such statutory renegotiation.

(b) Inquiry by contracting officer regarding statutory renegotiation. Before accepting price reductions or refunds in lieu thereof and before initiating or continuing negotiations seeking reductions or refunds from a contractor, and at reasonable intervals during the continuance of such negotiations, contracting officers will make inquiry of the contractor or of the Price Adjustment Board or Section to whom the contractor is assigned for statutory renegotiation to determine whether such renegotiation is in progress or has been concluded with respect to the fiscal period of the contractor which will be affected by the reductions or refunds proposed.

(c) When statutory renegotiation is in progress. Statutory renegotiation shall be deemed to be in progress for a fiscal period of a contractor after the first meeting for the purpose of such renegotiation between the contractor and the Price Adjustment Board or Section to which he is assigned for statutory

renegotiation.

(d) Price adjustments not restricted. Nothing herein contained shall preclude a contracting officer from at any time:

(1) Proposing and arranging adjustments in prices or fees in individual contracts containing express provision for redetermination or renegotiation of prices or fees, other than a provision for statutory renegotiation, or

(2) Making price adjustments to compensate for changes made by the Government in specifications, design, quantities to be delivered, delivery schedules, or similar matters, or

(3) Accepting the benefit of the price reductions resulting from maximum price regulations of the Office of Price Administration or orders of other Government price fixing agencies, or

(4) Negotiating with respect to the prices to be included in new contracts in connection with the making thereof, or

(5) Proposing and arranging price reductions or refunds in lieu thereof which will not affect the sales or earnings of the contractor for any fiscal period for which statutory renegotiation is in progress or has been previously concluded.

(e) Provision in supplemental agreements making price adjustment. The contract price as renegotiated or redetermined by the contracting officer or as voluntarily reduced will still be subject to statutory renegotiation under section 403, as amended, and any contract article pursuant thereto, to eliminate excessive profits of the contractor. The supplemental agreement or other instrument effecting the adjustment in price or fixed-fee will therefore include a provision substantially as follows:

The adjustment hereby made in the contract price is without prejudice to the de-

<sup>&</sup>lt;sup>1</sup> Administrative regulations of the War Department relating to payment of bills and accounts.

termination of any excessive profits of the contractor upon subsequent renegotiation under section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942, as amended or any contract article inserted pursuant to that act.

In § 81.1252 subdivision (iii) is added to paragraph (d) (2) as follows:

§ \$1.1252 Amendments without consideration. \* \* \*

(d) Types of cases. (2) \* \* \*

(iii) An increase granted by the Office of Price Administration in the maximum prices established by that Office for materials or component parts required for the manufacture of the articles called for by the contract will not be considered in and of itself sufficient justification for granting an adjustment in price.

In § 81.1290 paragraph (a) is amended, paragraph (j) is written as paragraphs (k), (l) and (m) and a new paragraph (j) ir added as follows:

§81.1290 Section 403 of the Sixth Supplemental National Defense Appropriation Act, 1942 (Public 528, 77th Congress), approved April 28, 1942, as amended by section 801 of the Revenue Act of 1942, (Public 753, 77th Congress), approved October 21, 1942; section 1 of the Military Appropriations Act, 1944, (Public 108, 78th Congress), approved July 1, 1943; and Public 149, 78th Congress, approved July 14, 1943—(a) Sec. 403 (a). For the purposes of this section:

(1) The term "Department" means the War Department, the Navy Department, the Treasury Department, the Maritime Commission, Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, the Rubher Reserve Company, respectively.

ber Reserve Company, respectively.
(2) In the case of the Maritime Commission, the term "Secretary" means the Chairman of such Commission, and in the case of Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation, and Rubber Reserve Company, the term "Secretary" means the board of directors of the appropriate corporation.

(3) The terms "renegotiate" and "renegotiation" include the refixing by the Secretary of the Department of the con-

tract price.

(4) The term "excessive profits" means any amount of a contract or sub-contract price which is found as a result of renegotiation to represent exces-

sive profits.

(5) The term "subcontract" means (i) any purchase order or agreement to perform all or any part of the work, or to make or furnish any article, required for the performance of any other contract or subcontract or (ii) any contract or arrangement (other than a contract or arrangement between two contracting parties, one of which parties is found by the Secretary to be a bona fide executive officer, partner, or full-time employee of the other contracting party), (a) any amount payable under which, is contingent upon the procurement of a contract or contracts with a Department or of a subcontract or subcontracts thereunder, or determined with reference to

the amount of such a contract or subcontract or such contracts or subcontracts, or (b) under which any part of the services performed or to be performed consists of the soliciting, attempting to procure, or procuring a contract or contracts with a Department or a subcontract or subcontracts thereunder; Provided, That nothing in this sentence shall be construed (1) to affect in any way the validity or construction of provisions in any contract with a Department or any subcontract thereunder. heretofore at any time or hereafter made, prohibiting the payment of contingent fees or commissions; or (2) to restrict in any way the authority of the Secretary to determine the nature or amount of selling expenses under subcontracts as defined in (ii) herein, as a proper element of the contract price or as a reimbursable item of cost, under a contract with a Department or a subcontract thereunder. The term "article" includes any material, part, assembly, machinery, equipment, or other personal property.

For the purposes of paragraphs (d)

For the purposes of paragraphs (d) and (e) of this section the term "contract" includes a subcontract and the term "contractor" includes a subcontractor.

(j) Sec. 403 (j). Nothing in sections 109 and 113 of the Criminal Code (U.S.C., title 18, secs. 198 and 203) or in section 190 of the Revised Statutes (U.S.C., title 5, sec. 99) shall be deemed to prevent any person appointed by the Secretary of a Department for intermittent and temporary employment in such Department, from acting as counsel, agent, or attorney for prosecuting any claim against the United States: Provided, That such person shall not prosecute any claim against the United States (1) which arises from any matter directly connected with which such person is employed, or (2) during the period such person is engaged in intermittent and temporary employment in a Department.

(k) Sec. 403 (k). All the provisions of this section shall be construed to apply to Defense Plant Corporation, Metals Reserve Company, Defense Supplies Corporation and Rubber Reserve Company.

(I) Effective date of amendments. All amendments to section 403 are construed to be effective as of April 28, 1942 (the date of enactment of the Sixth Supplemental National Defense Appropriation Act, 1942).

(m) Sec. 3806 of I. R. C. The text of section 3806 of the Internal Revenue Code as added by 508 of the Revenue Act of 1942 is as follows:

## FORMS OF CONTRACTS

The contract forms contained in this procurement regulation Illisted in the Table of Contents below! are approved for use for War Department purchases, subject to §§ 31.322 to 81.367. It should be noted that many of the contract articles are set out by reference to paragraphs of said §§ 81.322 to 81.367. In preparing contracts the standard clauses contained in the articles referred to will

be set out only if, and to the extent that, their inclusion is required by the provisions of the paragraphs referred to. There will be set out such of the other clauses contained in §§ 81.322 to 81.367, not expressly referred to in the form as are required for any particular contract. In certain cases it will be necessary to make certain editorial changes in the clauses contained in §§ 81.322 to 81.367 so that certain words or phrases used throughout the contract will be in conformity.

In certain instances, especially in the case of War Department Contract Form No. 17, the forms contain shorter versions of some of the clauses set forth in §§ 81.322 to 81.367. In such cases the use of the shorter forms of clauses is to be deemed authorized, notwithstanding the provisions of said §§ 81.322 to 81.367.

	*	
Wer defeat- ment con- trect firm	<b>D</b> ecoription	Section
No.		
ĩ	Lump Sum Supply Contract	SI. 1201
1 2 3	Lump Sum Construction Contract	81.1202
3	Cost-Plus-A-Fixed-Fee Construction Contract	81_1203
4	Cost-Plus-A-Fixed-Fee Architect-En-	
5	short Form Supply Contract (Nego-	S1.1204
_	tiated)	SI. 1205
6	Offer and Acceptance Letter Order for Supplies (No Price	81.1266
	Stated)	SI. 1267
8	Letter Order for Supplies (Price Stated)	81.1263
9	Letter Order Contract for Cost-Plus-	
10	A-Fire 1-Fee Construction Letter Order Contract for Lump-Sum	81_1209
	Construction	SL 1310
11 12	Defense Supplies Corporation. Fixed-Fee Architect-Engineer-Con-	81.1311
***,	struction-Management Services	
13	War Supplies Limited	81. 1312 81. 1313
14	Usvennment - Owned   Equipment	
15	Rental Agreement Negotiated Electric Service Contract.	81.1314 81.1315
16	Lump Sum Contract for Architect-	0111010
	Engineer Services (With Optional Superviction)	81.1316
<sup>*</sup> 17	Government's Order and Con-	034 1013
	tractor's Acceptance (W.D. Forms Nov. 47 and 47-c)	81.1317
20	Supplemental Agreement for Ad-	CIAIOLE
	vanco Payments with Interest on Fixed-Price Contracts	SI. 1320
21	Supplemental Agreement for Ad-	. Canada
	vance Payments with Interest on Fixed-Fee Contracts	81 1321
22	Supplemental Agreement for Ad-	
	vance Payments with Interest on a Letter Purchase Order	81, 1322
23	Supplemental Agreement for Ad-	
	vance Payments without Interest on Fixed-Price Contracts	81. 1323
21	Supplemental Agreement for Ad-	
	vance Payments without Interest on Fixed-Fee Contracts	SL 1324
25	Supplemental Agreement for Ad-	
	vance Paymonia without Interest on Letter Purchase Orders	811,1025

In § 81.1301 Article 22 of contract form is amended as follows:

§ 81.1301 W. D. Contract Form No. 1. \* \* \*

Arr. 22. Subcontracting. Incert (§81.357).

In § 81.1302 Article 11 of contract form is amended as follows:

§ \$1.1302 W. D. Contract Form No. 2.

Arr. 11. Labor. (a) (Insert (§ 81.246)).

(b) Overtime rates and shifts. Where a single shift is worked, eight hours of

continuous employment, except for lunch periods, shall constitute a day's work beginning on Monday and through Friday of each week. When work is required in excess of eight hours in any one day or during the interval from 5:00 p. m. Friday to 7:00 a.m. Monday, such work shall be paid for at 11/2 times the basic rate wages. No premium wage or extra compensation shall be paid for work on customary holidays except that time and one-half wage compensation shall be paid for work performed on any of the following days only: New Year's Day, Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, and Memorial Day. Where two or more shifts are worked. five consecutive days of 7½ consecutive hour shifts, from Sunday midnight to Friday midnight shall constitute a regular week's work. The pay for a full shift period shall be a sum equivalent to eight times the basic hourly rate, and for a period less than the full shift shall the corresponding proportional amount which the time worked bears to the time allocated to the full shift period. Any time worked from Friday midnight to Sunday midnight or in excess of regular shift hours shall be paid for at 11/2 times the basic rate of wages. Wherever found to be practicable, shifts should be rotated.

(c) (Insert (§ 81.345))

In § 81.1305 contract form No. 5 is amended by inserting an additional condition and changing note at the end thereof.

§ 81.1305 W. D. Contract Form No. 5.

#### Conditions

## 14. Insert (§ 81.367)

Note: For form of certificate as to the authority of the person signing on behalf of the Contractor see Article 23 of W. D. Contract Form No. 1, in §'81.1301.

In § 81.1306 contract form is amended by inserting an additional condition and changing note at the end thereof.

§ 81.1306 W. D. Contract Form No. 6.

## Conditions - \*

## 14. Insert (§ 81.367)

Note: For a form of certificate as to the authority of the person signing on behalf of the Contractor see Article 23 of W. D. Contract Form No. 1 in § 81.1301.

Sections 81.1401 to 81.1428 are superseded and new §§ 81.1429-81.1433 and 81.1450-81.1458 are added as follows:

REQUISITIONING OF PERSONAL PROPERTY

## GENERAL

§ 81.1401 Authority to regularion. Authority to requisition personal property is conferred under (a) the Act of October 10, 1940 (54 Stat. 1090), as amended by the Act of July 2, 1942 (56

Stat. 467), (b) the Act-of October 16, 1941 (55 Stat. 742), as amended by the Act of March 27, 1942 (56 Stat. 181) and by the Act of June 30, 1943 (Pub. Law 104, 78th Congress), and (c) Executive Orders Nos. 8942 (6 F.R. 5909), 9024 (7 F.R. 329), 9040 (7 F.R. 527), 9138 (7 F.R. 2919), 9280 (7 F.R. 10179), 9294 (8 F.R. 221), 9322 (8 F.R. 3807) and 9334 (8 F.R. 5423). By such Executive Orders the President delegated to various persons, including the Secretary of War, the power to initiate requisitions under the Act. The Secretary of War, by Order dated December 11, 1941, assigned to the Under Secretary of War the functions, powers, and duties so delegated to him. As a result of such delegation and assignment, the Under Secretary of War makes final determination as to the existence of statutory authority to requisition property desired to be requisitioned by the War Department and, if the proposal to requisition and the proposed disposal of the property is approved by the Army and Navy Munitions Board and in proper cases, by the Chairman of the War Produc-tion Board, the War Food Administrator or the Office of Defense Transportation, issues the requisition. He also makes final administrative determination as to the amount of compensation to be paid for property requisitioned by the War Department.

§ 81.1402 All requisitioning by or on behalf of the Army to be in accordance with § 81.1401 to 81.1458. All property to be requisitioned by or on behalf of the Army under the authorities has been prohibited or curtailed in accordance with the provisions of section 6 of the Act of July 2, 1940 (54 Stat. 714) as amended (56 Stat. 463, 50 U.S. C. App. 701), or any other law; and
(a) It is necessary in the interest of

national defense or prosecution of the war to requisition and take over the property for use or operation by the United States or in its interest.

(b) The Act of October 16, 1941, as amended, authorizes the taking of property, other than fire arms possessed by an individual for his personal protection or sport, possession of which is not prohibited by existing law, by requisition, if the taking will not impair or infringe in any manner the right of any individual to keep and bear arms, when it is determined that:

(1) The property is military or naval equipment, supplies, or munitions, or component parts thereof, or machinery, tools, or materials necessary for the manufacture, servicing, or operation of such equipment, supplies, or munitions;

(2) The use of the property is needed for the defense of the United States:

- (3) Such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and
- (4) All other means of obtaining the use of the property for the defense of the United States upon fair and reasonable terms have been exhausted.

§ 81.1406 Initiation of requisition proceedings-(a) Preparation of proposal and statement by initial requisi-

tion officer. Having satisfied himself as to the existence of statutory authority to requisition the property, the initiating requisition officer will prepare and execute a proposal and statement in the appropriate one of the forms set forth in §§ 81.1417 and 81.1418; the form set forth in § 81.1417 being used if the property is to be requisitioned under referred to in § 81.1401 will be requisitioned as provided in this procurement regulation, unless authority to requisition the property otherwise has been specifically granted. However, the procedure prescribed by this procurement regulation relates only to requisitioning under such authorities and does not apply to, or prescribe procedure for, any other methods of requisitioning or commandeering which may be available to officers in theaters of operations.

§ 81.1403 Policy in respect of requisitioning property. Requisitioning will not be used as a substitute for purchasing. However, if purchasing is not feasible, because there is doubt as to the ownership of the property, or the owner refuses to sell or refuses to sell at a reasonable price, or for any other reason, requisitioning will be resorted to in those cases permitted by the authorities referred to in § 81.1401. Such authorities and this procurement regulation provide an expeditious method of obtaining the property and, to promote such end, each step in the procedure outlined herein will be expedited.

Definitions. § 81.1404 As used

§§ 81.1401-81.1458
(a) "Property" means personal property, and includes all items of property which have been, or may be, requisitioned under the authorities referred to

in § 81.1401.
(b) "Chief requisition officer" means any person designated by the chief of a technical service to act on his behalf with respect to all requisitions initiated by such technical service. The chief of each technical service promptly will, if he has not already done so, designate one or more chief requisition officers, and advise the Legal Branch, Purchases Division, of such designation. Any change in such designation will also similarly be reported promptly.

(c) "Initiating requisition officer" means the contracting officer (as defined in § 81.302) or other person who would have purchased the property had it been possible to obtain the property by purchase, or such other person as a chief requisition officer may designate or approve as the person to perform the functions herein provided to be performed by the initiating requisition officer.

(d) "Serving officer" means any officer, agent or employee of the United States designated in the statement accompanying a proposal to requisition as the person or persons to make personal service

of the requisition.
(e) "Initial co

compensation officer" means the person designated by a chief requisition officer preliminarily to determine fair and just compensation for property requisitioned, which person may be the initiating requisition officer or any other person who, because of his familiarity with the value of the prop-

<sup>&</sup>lt;sup>1</sup>Clause (b) will be omitted in all contracts for the contracts for the construction, alteration, or repair of vessels and floating equipment.

erty or his being stationed at or near the residence or whereabouts of the persons entitled to receive such compensation, or otherwise, is deemed to be an appropriate person initially and preliminarily to determine fair and just compensation.

(f) "Legal Branch, Purchases Division" means the Legal Branch, Purchases Division, Headquarters, Army Service Forces, Washington, D. C.

§ 81.1405 Statutory authority to reauisition property—(a) The Act of October 10, 1940, as amended, authorizes the taking of property by requisition when it is determined that:

(1) The property is military or naval equipment or munitions, or component parts thereof, or machinery, tools, or materials, or supplies necessary for the manufacture, servicing, or operation

thereof;

(2) The property was ordered, manufactured, procured, or possessed for export purposes, and that the exportation thereof the 1940 Act and the form set forth in § 81.1418 being used if the property is to be requisitioned under the 1941 Act. Copies of such forms of proposal and statement may be obtained from the chief requisition officer or from the Legal Branch, Purchases Division but, to expedite the proceedings, the initiating requisition officer may type or otherwise appropriately reproduce such forms. The following will be observed in the preparation of proposals and statements regardless of which form is used, to the extent practicable under the particular circumstances of each case:

(1) The property proposed to be requisitioned will be described accurately, and, in the fullest detail possible as to size, shape, quantity, quality, finish, etc., in order that a complete, correct and precise description of the property may

be set forth in the requisition.

(2) The names and addresses of the owner or owners of the property, of all persons who may claim an interest in the property or a right to share in the compensation to be paid (such as common carriers, warehousemen, forwarders and others having possessory liens, and collectors of customs, mortgagees, condi-· tional sale vendors and the like), together with a statement of their respective interests or possible interests will be included appropriately in the proposal, and the nature and extent of the inquiry made to ascertain such persons and their interests or possible interests, which will be as thorough as may be practicable consistent with the speed of action required, will be set forth in the statement.

(3) The allotment, appropriation or fund specified in the statement will be charged with an amount clearly sufficient to represent full, fair and just compen-

sation for the property.

(4) The persons designated as available to serve the requisition if it issues will be persons who will be available to, and will, personally serve the requisition as provided in § 81.1408. Two or more persons should be designated in each case to assure that at least one of them will be available to serve the requisition when it issues.

(5) Directions for disposition of the property will be as full and explicit as necessary to permit the serving officer to make the desired disposition of the property immediately upon service of the

requisition.

(6) The facts indicating statutory authority to requisition the property will be set forth in detail sufficient to permit an independent determination of the existence of statutory authority to be made by higher authority. The proposal and statement in this and other respects may incorporate by reference statements contained elsewhere in them or in written memoranda or correspondence annexed to the statement as exhibits.

(b) Transmittal of proposal and state-ment. The original and one copy of the proposal and statement will be forwarded by the initiating requisition officer to the chief of his technical service addressed to the attention of the chief requisition officer, and seven copies thereof will be forwarded to the Legal Branch, Purchases Division.

(c) Approval of report and statement by chief requisition officer; preparation of requisition, notices of requisition and instructions to serving officer. The chief requisition officer will, if the proposed requisition is approved by him on behalf of his technical service or service command and if he concurs in the statements and certifications made by the initiating requisition officer in the proposal and statement, designate the initial compensation officer, endorse his approval on the original of the proposal and forward it in the most prompt method available toothe Legal Branch, Purchases Division. He will also prepare (1) six copies of a proposed requisition for signature, (2) Notices of requisition in the form of that set forth in § 81.1422, in as many copies as will be required by the serving officer for service, plus four additional, and (3) such instructions to the serving officer, as to the person or persons upon whom the requisition and such notices of requisition should be served, as to any investigation and inquiry to be made by the serving officer to ascertain other persons who may have, or assert, any interest in the property, or otherwise, as may be appropriate in the particular case and, unless the chief requisition officer has been advised otherwise, will forward the same to the Legal Branch, Purchases Division, in such manner as to be received by it within twenty-four hours after it shall have received the original of the proposal and statement. If negotiable documents of title relating to the property are outstanding and the whereabouts thereof is known such documents should be included in the requisition as a part of the property to be requisitioned.

§ 81.1407 Clearance of the proposal and issue of the requisition. The requisition section will endeavor to obtain all necessary clearances to, and approvals of, the proposal. If the requisition issues, it and such notices of requisition will be forwarded to the serving officer named in the statement for service. A copy of the proposal and statement and of such instructions of the chief requisition officer will also be forwarded to the serving officer for his information. If the requisition is so forwarded by the Legal Branch, Purchases Division, the chief requisition officer will be advised promptly of the forwarding thereof and a copy of the proposal and statement, conformed to show such approvals, will be transmitted to him.

§ 81.1408 Method of serving the requisition and duties of the serving officer in connection therewith—(a) Method of serving requisition; transmittal of documents of title. The serving officer will personally serve the requisition upon the possessor or custodian of the property by exhibiting to (but not leaving with) such possessor or custodian the original manually signed requisition and by leaving with such possessor or custodian (1), a copy of the requisition, with the receipt on the reverse thereof duly completed and executed, and (2) a notice of requisition, in the form of that set forth in § 81.1422 appropriately completed. Upon service of the requisition the serving officer will complete and execute the return of service appearing on the reverse of the original manually signed copy and will take possession of the property on behalf of the United States and dispose of it as directed in the statement. Negotiable documents of title requisitioned will be forwarded to the initial compensation officer designated in the proposal.

(b) Method of serving notices of requisition. The serving officer will also promptly serve an appropriately completed notice of requisition upon each of the other persons designated in such instructions of the chief requisition officer. Such notices of requisition similarly will be personally served if feasible; otherwise, service thereof will be made by registered letter mail, return receipt requested, addressed to the last known address of the person being served.

(c) Assertainment by serving officer of other possible claimants to compensation; transmittal of return of service and of report of serving officer. The serving officer will promptly make such further investigation and inquiry as to additional persons, who may have, or assert, an interest in the property or a right to be compensated by reasts of its taking as shall have been directed by the chief requisition officer in such instructions or as appears appropriate in the particular case and will forward to the chief requisition officer who signed the proposal (1) the original manually signed requisition, with the receipt and return on the reverse thereof duly completed, and (2) a Report of serving officer in the form of that set forth in § 81.1423 with exhibits. Simultaneously the serving officer will forward conformed copies of such documents to (i) the Legal Branch, Purchases Division and (ii) the initial compensation officer.

§ 81.1409 Further service of notices of requisition. The chief requisitioning officer promptly will make, or cause to be made, by the serving officer, the initiating regulsition officer, the initial compensation officer or others such further investigation to determine the persons entitled to receive the fair and just compensation to be paid for the property as may be required in the particular case and promptly will serve, or cause to be served, notices of requisition upon all such persons not theretofore served. Service thereof will be made as provided in § 81.1408(b) and record of the service thereof will be kept by the chief requisition officer. The initial compensation officer and the Legal Branch, Purchases Division, will be advised by the chief requisition officer of any additional notices of requisition so served by him or on his behalf.

DETERMINATION AND PAYMENT OF FAIR AND JUST COMPENSATION

§ 81,1410 Statutory obligation to pay fair and just compensation. The Act of October 10, 1940, as amended, provides that fair and just compensation shall be paid to the owner of the property; and the Act of October 16, 1941, as amended, provides that fair and just compensation determined in accordance with the provisions for just compensation of the fifth amendment of the Constitution of the United States, shall be paid to the person entitled to receive such compensation. If either such "owner" or such "person entitled to receive" compensation is un-willing to accept the amount so determined, the Acts direct that he shall be paid 50% of such amount and shall be entitled to sue the United States for such additional sum as, when added to the sum so paid to him, he considers to be fair and just compensation for the property; the 1940 Act providing however that judicial recovery "shall be confined to the fair market value" of the property "without any allowance for prospective profits, punitive or other damages."

§ 81.1411 Determination of person or persons entitled to receive fair and just compensation. Determination of the person or persons entitled to receive the fair and just compensation to be paid for the property will be made by the chief requisition officer or, if there are conflicting claims of ownership which the chief requisition officer is unable to resolve, by the War Department Board of Contract Appeals. Persons claiming the right to such compensation will be required to furnish such evidence of their right thereto as may be required to permit compensation safely to be paid to them and as may be appropriate in the particular case. The chief requisition officer will consider persons owning, or having a lien or other property interest in, the property at the time of taking to be an "owner" or a "person entitled to receive" compensation as such terms are used in the Acts. In cases where there were possessory or recorded liens against, or other ownership interest in, the property outstanding at the time of its taking, especially if the validity thereof depend upon the beneficial owner having acquiesced in their creation, the beneficial owner will be asked to agree to the validity of such liens or interest and to the portion, if any, of

the fair and just compensation properly payable to the holders thereof.

§ 81.1412 Preliminary determination of fair and just compensation—(a) Preliminary determination of compensation by initial compensation officer. Promptly after the requisitioning of the property and after consultation, to the extent feasible, with all persons entitled to receive such compensation (the place or places of such consultation to be determined with due regard to the residence or whereabouts of such persons) the initial compensation officer will preliminarily determine the fair and just compensation to be paid for the property.

(b) Basis for such determination by initial compensation officer. Such preliminary determination will be in an amount determined to be the fair market value of the property (i. e., of the actual articles or materials taken) as of the time and place of taking but not in excess of the applicable ceiling or fixed price, if any, established by the Office of Price Administration, or value otherwise established by law, and in effect at

the time of the taking.

(c) Report of intial compensation officer. The initial compensation officer promptly will transmit to the chief requisition officer (1) his report stating the amount so preliminarily determined by him to be fair and just compensation for the property; that such amount represents the fair market value of the property at the time-and place of the taking of the property; and that it is within such ceiling or fixed price and (2) the copy of the requisition, and the copy of the report of the serving officer transmitted to him by the serving officer. If such report is not so transmitted within thirty (30) days after the taking of the property, the initial compensation officer will also state therein the reasons why he was unable to transmit it within such thirty-day period.

(d) Procedure to be followed if amount so determined is acceptable to persons entitled to compensation. If the amount of fair and just compensation so determined by the initial compensation officer is acceptable to the person or persons entitled to receive compensation on account of the taking of the property, the initial compensation officer will request each of such persons to execute and acknowledge, in triplicate, a stipulation and release, in the form of that set forth in § 81.1431 modified as may be appropriate, and will transmit such copies thereof with the report required by paragraph (c) of this section. If the chief requisition officer approves, on behalf of his technical service or service command, of the amount so preliminarily determined to be fair and just compensation for the property, is satisfied that such Stipulation and Releases are appropriate under the circumstances and duly executed, and that the persons executing them are the persons, and the only persons, entitled to receive fair and just compensation for the property, he will transmit to the Legal Branch, Purchases Division, one original of each such stipulation and release and a duly executed certificate of ownership and fair and just compensation, in the form of that set forth in § 81.1430, modified as may be appropriate.

(e) Conditions under which notice to present claims and other documents will be served and method of service. If the amount of fair and just compensation so preliminarily determined by the initial compensation officer is not acceptable to the person or persons entitled to receive compensation on account of the taking of the property, or if there is uncertainty as to the person or persons entitled to receive such compensation, the Chief Requisition Officer will, to the extent practicable, serve, or cause to be served, upon each of the persons upon whom a notice of requisition was served, a notice to present claims, with instructions, a form of proof of claims, with an appropriate form of verification, and a form of disclaimer, in the respective forms of those set forth in §§ 81.1424, 81.1425, 81.1426, 81.1427, 81.1428 and 81.1420. Such documents will be served either personally or by registered mail, return receipt requested, addressed to the last known address of the person being served, and a record of the time and method of such service will be preserved in the files of the chief requisition officer. The chief requisition officer will transmit to the Legal Branch, Purchases Division, an original of each such proof of claim and disclaimer received by him.

(f) Determination of compensation by chief requisition officer and service of notice of preliminary determination. Promptly after the expiration of the thirty-day period, or such extension thereof as he may grant, for filing proofs of claims, the chief requisition officer will make or cause to be made on behalf of his technical service determination of fair and just compensation for the property and will, to the extent practicable, give notice of such determination to all persons known or believed to be entitled to share in such compensation: such notice to be incorporated in a notice of preliminary determination in the form of that set forth in § 81.1429 and to be given by personal service or by registered mail, return receipt requested, addressed to the last known addresses of such persons. Simultaneously therewith a copy of such notice of preliminary. determination will be forwarded to the Legal Branch, Purchases Division. In making such determination the amount preliminarily determined by the initial. compensation officer, the objections made thereto by the claimants, evidence of fair and just compensation supplied by the claimants and all other pertinent factors will be given appropriate consideration.

(g) Consideration of objections of claimants to amount of compensation so determined; reassirmation or revision of determination; subsequent procedure if amount is acceptable to claimants. Any person having an interest in the property may, within thirty (30) days after service of such notice of preliminary determination, or such additional period of time as the chief requisition officer shall permit, file written objections thereto with the chief requisition officer specifying in reasonable detail the

grounds of his objections. After full consideration of such objections, if any, and such consultation or communication with the objecting and other claimants and with members of his technical service or service command in respect of them as may be appropriate, the chief requisition officer will either affirm his previous determination or make a new determination of fair and just compensation for the property and will request the person or persons entitled to receive such compensation to execute and acknowledge, in triplicate, a Stipulation and Release in the form of that set forth in § 81.1431, modified as may be appropriate. If such stipulation and releases are so executed, the chief requisition officer will transmit to the Legal Branch, Purchases Division, one original of each thereof and a duly executed certificate of ownership and fair and just compensation in the form of that set forth in § 81.1430, modified as may be appropriate.

(h) Submission to Board of Contract 'Appeals. If the amount of fair and just compensation so determined is not acceptable to the person or persons entitled to receive compensation on account of the taking of the property or if there are conflicting claims of ownership which the chief requisition officer is unable to resolve, he will, if the Legal Branch, Purchases Division, advises that the Under Secretary of War desires the recommendation of the War Department Board of Contract Appeals, submit the matter to the Board as provided in § 81.1432. Copy of the submission to the Board will be forwarded to the Legal Branch, Purchases Division.

(i) Proceedings before Board of Contract Appeals. All claimants will be entitled to a hearing before the Board in accordance with the rules of procedure prescribed by the Board and a stenographic transcript of the hearings before the Board and copies of all written evi-

dence will be preserved.

(j) Determination by Board of Contract Appeals. After hearing, the Board will make recommendation as to the amount of fair and just compensation to be paid for the property or, if requested so to do and such is possible, determination as to the person or persons entitled to receive such compensation and will simultaneously forward copies of its decision in the matter to the chief requisition officer and to the Legal Branch, Purchases Division. In the event the Board is unable to determine the person or persons entitled to receive the fair and just compensation to be paid for the property it will make its recommendation as to what further disposition should be made of the matter.

(k) Procedure after hearing by Board of Contract Appeals. If the person or persons entitled to receive fair and just compensation for the property has or have been determined, the chief requisition officer will request such person or persons to accept the amount so determined as fair and just compensation for the property and to execute and acknowledge, in triplicate, a stipulation and release in the form of that set forth in § 81.1431, and if such stipulation and releases are executed, will transmit to the Legal Branch, Purchases Division, one original of each thereof and a duly executed certificate of ownership and fair and just compensation, in the form of that set forth in § 81.1430, modified as may be appropriate. If the person or persons entitled to receive the fair and just compensation for the property has or have not been determined or if such person or persons has or have been determined but refuse to execute such stipulation and releases, the chief requisition officer will transmit to the Legal Branch, Purchases Division, such a duly executed certificate of ownership and fair and just compensation, modified as may be appropriate.

§ 81.1413 Final determination of fair and just compensation. Fair and Just -compensation for the property will be finally determined by the Under Secretary of War and, when so determined, the original and a duplicate original of the Award thereof will be transmitted to the chief regulsition officer for forwarding to the disbursing officer for payment in those cases in which the persons entitled to receive the compensation have been determined. Should it be impossible to determine the person or persons entitled to receive such compensation, the proper appropriation or fund will be charged with the amount of the award and the chief requisition officer will be advised as to the further disposition to be made of the matter.

§ 81.1414 Payment of fair and just compensation. The disbursing officer to whom an award has been transmitted will make payment as provided in the award except that if the person or persons entitled to receive the compensation shall refuse to accept the amount so awarded as full and complete compensation for the property taken, or for his interest therein, the disbursing officer shall pay to him but 50% of the amount so awarded to him. Coincident with any such payment the disbursing officer will have the payee execute, in triplicate, an acknowledgment of receipt of such payment or a stipulation, release and receipt, as shall be appropriate, in the form of that forwarded to him with such award. The original of such award and two executed copies of such acknowledgment of receipt or of such stipulation, release and receipt will be returned by the disbursing officer to the chief requisition officer, who will forward one executed copy of such acknowledgment of receipt or of such stipulation, release and receipt to the Legal Branch, Purchases Division. One executed copy of such acknowledgment of receipt or of such stipulation, release and receipt and the duplicate original of the award will be retained by the disbursing officer for his

RETURN OF REQUISITIONED PROPERTY AND DISPOSITION OF PROCEEDS OF REQUISI-TIONED PROPERTY

§ 81.1415 Return of requisitioned property to former owner under certain conditions. The Act of October 16, 1941, as amended, provides that whenever it is determined that property requisitioned under that Act and retained is no longer needed for the defense of the United States it shall, if the original owner desires the property and pays the fair value thereof, be returned to such owner and that, in any event, property so acquired and retained shall, if such owner desires the property and pays the fair value thereof, be returned to him not later than December 31, 1944. Should a technical service or service command determine that property requisitioned by it and retained is no longer needed for the defense of the United States it shall advise the Legal Branch, Purchases Division, which will prescribe the procedure to be followed in effecting its return.

§ 81.1416 Disposition of proceeds from property requisitioned and sold or disposed of under 1940 Act. The Act of October 10, 1940, as amended, provides that any moneys received by the United States as the proceeds of any sale or other disposition of property requisitioned thereunder or any portion thereof shall be deposited to the credit of the ap-. propriation out of which was paid the cost to the Government of the property thus sold or disposed of, and the same shall immediately become available for the purpose named in the original appropriation.

§ 81.1417 Form of proposal and statement under the 1940 Act.

## PROPOSAL

For requisitioning and disposal of propcrty under the act of October 10, 1940, as amended.

1. Description of the property: (In as great detail as possible, specifying quantity, quality, chapes, sizes, etc. The specifications may be set forth in an attached statement.) 2. Precent location of the property:

Name of Holder Address \_ 3. Ecneficial owner of the property (if imown): Name \_ Addres \_\_\_

4. All other persons known to or who may have an interest in the property or who may claim a right to share in the award of compencation:

Name \_\_ Address Nature of interest or claim\_\_\_ 5. Use or intended use or disposition of

the property by present owner: 6. Fercon or persons to whom it is pro-

posed to sell or otherwise dispose of the property upon its being requisitioned:
7. Use to be made of the property by persons described in free constant of the property by persons described in free constant of the property by persons described in free constant of the property by persons described in free constant of the property by

8. The property waared, manufactured. procured or passessed \_\_\_\_\_export and intended for chipment to the country stated below (state date of denial of export license, if known):

9. The undersigned hereby declares and certifies that all of the facts set forth above and in the annexed Statement are true to the best of his knowledge and belief and that, upon the basis thereof, he believes that:

(a) such property is of the type which may be requisitioned under the Act of October 10, 1940, as amended;

(b) it is necessary in the interest of national defence to requisition and take over

such property for the use or operation by the	to make the following disposition of the
United States or in its interest; and (c) it is in the public interest that such	property: 13. The full name, title and address of the
property be sold or disposed of as above pro-	Initiating Requisition Officer signing the
vided. ° This certificate is executed by a duly au-	Proposal is:
thorized officer of	· · · · · · · · · · · · · · · · · · ·
(Technical Service or Service this day of,	
Command)	§ 81.1418 Form of proposal and state- ment under the 1941 Act.
194	<u>'</u> _
	PROPOSAL  For requisitioning and disposal of prop-
(Name, title and address of Initiating	erty under the act of October 16, 1941, as
Requisition Officer)	amended.  1. Description of the property: (In as great
This Proposal and the annexed Statement are in all respects approved on behalf of the	detail as possible, specifying quantity, qual-
	ity, shapes, sizes, etc. The specifications may be set forth in an attached statement.)
(Chief of the Technical Service or Command-	2. Present location of the property:
ing Officer of the Service Command)	Name of holderAddress
ignated the Initial Compensation Officer.	3. Beneficial owner of the property (if
,	known):
	Name Address
(Name, title and address of Chief	<ol> <li>All other persons known to have or who</li> </ol>
Requisition Officer)	may have an interest in the property or who may claim a right to share in the award of
STATEMENT	compensation:
1. It is necessary in the interest of national	Name Address
defense or prosecution of war to requisition	Nature of Interest or Claim
the property described in the annexed Pro- posal for the use or operation by the United	5. Use or intended use or disposition of the property by the present owner:
States or in its interest, for the following	<ol><li>Person or persons to whom it is proposed</li></ol>
reasons: 2. It is in the public interest that such	to sell or otherwise dispose of the property upon its being requisitioned:
property be sold or disposed of as provided	Name
in the Proposal, for the following reasons:  3. The following negotiable documents of	7. Use to be made of the property by per-
title, relating to the property are outstanding	son or persons described in 6:
and held by the following persons (if known):	8. The undersigned hereby declares and certifies that all of the facts set forth above
Name	and in annexed statement are true to the
4. Such property was not purchased for the	best of his knowledge and belief, and, that, upon the basis thereof, he believes that:
following reasons:	a. The property described is of the type
5. The nature and extent of inquiry made to ascertain possible owners of, and claimants	which may be requisitioned under the Act of October 16, 1941, as amended;
of interest in the property was:	b. That such property is needed for the
6. The ceiling or fixed price, if any, established by the Office of Price Administration,	defense of the United States; c. The need for such property is immedi-
or otherwise established by law, applicable to	ate and impending and such as will not
the property is, the applicable price regula- tion or schedule being, (if known):	admit of delay or resort to any other source of supply;
7. The fair market value of the property, as	d. All other means of obtaining the use
indicated by the following recent sales of similar property at or near the situs of the	of such property for the defense of the United States upon fair and reasonable terms
property, is believed to be:	have been exhausted;
8. Payment for the property will be made	e. Such property is not a firearm possessed by an individual for his personal protection
by the United States from the appropriation (or funds)	or sport, the possession of which is not pro-
	hibited by existing law;  f. The taking of such property will not
the available balance of which is sufficient	impair or infringe in any manner the right
to cover the cost of the same. The appro- priation (or funds) indicated has been	of any individual to keep or bear arms.  This certificate is executed by a duly au-
obligated for such payment in the amount of	thorized officer of
\$	(Technical Service or Service Command)
9. Name and address of finance officer who should be designated to make payment of the	this day of, 194
approved award of compensation:	
OfficerAddress	(Name, title and address of Initiating
10. Cost and charges incurred subsequent	Requisition Officer)
to the execution of the Requisition and re- lating to the requisitioned property, should	This Proposal and the annexed Statement are in all respects approved on behalf of
be referred for payment to:	,
OfficeAddress	(Chief of Supply Service or Commanding Of-
11. The following officers, agents, or em-	ficer of Service Command)
ployees of the United States are available to	and is hereby designated the Initial Compensation
serve personally the Requisition at or near the situs of the property:	Officer.
Name and Title	
Street AddressCity and State	
12. When the property has been requisi-	(Name, title and address of Initiating

tioned, the Serving Officer is hereby directed

#### STATEMENT

1. The use of the property described in the annexed Proposal is needed for the defense of the United States for the following reasons in addition to those stated in item 7 of the Proposal:

2. The need for such property is immediate and impending and such as will not admit of delay or resort to any other source of supply for the following reasons:

3. All other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted as indicated by the following:

4. The requisitioning of the property will

have the following effect upon the business of the owner (if known):

5. The following negotiable documents of title relating to the property are outstanding and held by the following persons (if known):

Name\_\_\_\_\_

6. The nature and extent of the inquiry made to ascertain possible owners of, and

made to ascertain possible owners of, and claimants of interest in, the property, was:
7. The ceiling or fixed price, if any, established by the Office of Price Administration, or otherwise established by law, applicable to such property is, the applicable price regulation or schedule being, (if known):
8. The fair market value of the property, and indicated by the following recent raises

as indicated by the following recent sales of similar property at or near the situs of

the property, is:

9. Payment for the property will be made by the United States from the appropriation (or funds)

the available balance of which is sufficient to cover the cost of the same. The appro-priation (or funds) indicated has been obligated for such payment in the amount of

10. Name and address of finance officer who should be designated to make payment of the approved award of compensation.

Officer\_\_\_\_

11. Cost and charges incurred subsequent to the execution of the Requisition, and relating to the requisitioned property, should be referred for payment to: Office

Address\_\_\_\_\_\_12. The following officers, agents, or employees of the United States are available to

serve personally the Requisition at the Iccation of such property: Name and Title\_\_\_\_\_

Street Address\_\_\_\_\_

City and State\_\_\_\_\_ 13. When the property has been requisitioned, the Serving Officer is hereby directed to make the following disposition of the property:

14. The full name, title and address of the Initiating Requisition Officer signing this

Proposal is:

Requisition Officer)

§ 81.1419 Form of requisition under the 1940 Act.

## REQUISITION

By The United States of America Under Act of October 10, 1940, as Amended.

War Department Requisition No.\_\_\_\_

It having been determined in the manner provided for in the Act of October 10, 1940 (54 Stat. 1090), as amended, and the Excoutive Orders thereunder, that it is necessary in the interest of national defense to regulation and take over for the use or operation by the United States or in its interest the following property:

merated in paragraph 2 above may have, or assert an interest in the property at the time it was requisitioned or a right to be com-

pensated by reason of its taking.

FEDER
And all approvals required by such Executive Orders having been given, you are therefore authorized and commanded to take said property and the possession thereof for the purposes above specified; to receipt for the same in the name of the United States; to dispose of the same as directed; and to the end that, among other things, fair and just compensation therefor may be ascertained, to make return of all things done and proceedings had in the execution of this requisition.  All persons having any claim to or interest in any of the above-described property are directed to give notice of their claims at once to who will prescribe the form and manner of presenting such claims.  Washington, D. C.,, 194,
§ 81.1420 Form of requisition under the 1941 Act.
. Requisition
By The United States of America Under Act of October 16, 1941, As Amended
War Department Requisition No.
It having been determined in the manner provided for in the Act of October 16, 1941 (55 Stat. 742), as amended, and the Executive Orders thereunder that the use of the following property is needed for the defense of the United States; that such need is immediate and impending and such as will not admit of delay or resort to any other source of supply; and that all other means of obtaining the use of such property for the defense of the United States upon fair and reasonable terms have been exhausted:  And all approvals required by such Executive Orders having been given, you are therefore authorized and commanded to take said property and the possession thereof for the same in the name of the United States; to dispose of the same as directed; and, to the end that, among other things, fair and just compensation therefor may be ascertained, to make return of all things done and proceedings had in the execution of this requisition.  All persons having any claim to or interest in any of the above-described property are directed to give notice of their claims at one
to who will prescribe the
form and manner of presenting such claims. Washington, D. C.,, 194
§ 81.1421 Form of the receipt and the return on reverse of the requisition.
Received from
aton the day of,  194, in condition, the property covered by the Requisition on the reverse
covered by the Requisition on the reverse

THE UNITED STATES OF AMERICA,

THE RETURN

served by me by showing the Original to, and

leaving a copy thereof with

The Requisition on the reverse hereof was

at \_\_\_\_\_ this \_\_\_\_\_ that at this \_\_\_\_ this \_\_\_\_ that at the name of the United States I

Ву ...

also gave to \_\_\_\_\_

Title \_

AL REGISTER, Thursday, September 2, 1943 12073 a receipt for the property, taking pomession Name of the same. Address Title Nature of Interest\_ 4. The nature and extent of such inquiry Exceptions and remarks 5. Such inquiry included (did not include) cearch of appropriate recording and registry § 81.1422 Form of notice of requisirecords to accertain the existence of recorded · tion. liens against the property.
6. All the property described in the Requisition was taken thereunder except NOTICE OF REQUISITION War Department Requisition No. which was not taken for the following reasons: To all persons known to have or claim an 7. The following is a more detailed de-ceription of the property taken than that cet forth in the Regulation: interest in the property described below: Please take notice that the property de-8. The property taken was disposed of as defense of the United States: fellows: 9. The condition of the property at the time it was taken was (state fully any factors of condition which may assist in determining which property at the time of the taking the amount of compensation to be paid). was located at \_\_\_\_ 10. Before requisitioning, the property was If you had or claimed any interest in such property at the time it was requisitioned used as follows: 11. The cost of the property to the owner you are required to give notice of your claim was: at once to: 12. The age of the property at the time the who will prescribe the form and manner of Requisition was served was: presenting such claim.

Notice of the requisitioning of such prop-13. The owner had taken depreciation on the property for tax purposes to the extent of:

14. The following negotiable documents of title relating to the property were transmitted to the Initial Compensation Officer erty is being given to \_\_\_\_\_ designated in the Proposal: Dated \_ If you know of any other percon, firm or corporation which had, or may claim, any interest in the requisitioned property you should so advice at once, specifying in detail (Name and title of Serving Officer) the name and address of such person, firm § 81.1424 Form of notice to present or corporation and in the nature of such claims. interest. NOTICE TO PRESENT CLAIMS Date \_\_\_ War Department Requisition No.\_\_ To all persons known to have or claim an (Chief Requisition Officer) interest in the property described below: § 81.1423 Form of report of serving Please take notice that the property deofficer. REPORT OF SERVING OFFICER of the United States: War Department Requisition No. . which property at the time of the taking was The undersigned hereby reports and cerlocated at \_ tifies that: If you had or claimed any interest in such 1. The above-numbered War Department Requisition, dated property at the time it was requisitioned you authorizing the taking for the defence of the United States the following property are required to file a claim specifying in detail the nature of your interest. Froof of Claim in the attached form must be filed in triplicate. If you did not have or claim any interest was by me served in person by exhibiting the original manually signed Requisition to, and by leaving a copy thereof (with the Re-ceipt on the reverse thereof duly completed in such property you are required to file a Disclaimer in the form attached. Such Dis-claimer must be filed in triplicate. Such documents must be filed within thirty days of the service hereof with: and signed) with\_\_\_\_\_ unless he extends in writing the time for such 2. Notices of Requisition, a conformed copy of which as served is annexed, were by me Notice of this requisition has been served in person upon: given to: Name Address \_. and were by me served by registered mail, return receipt requested, upon: Name If you know of any other person, firm or Address . corporation which had, or may claim, an interest in the requisitioned property you should so advise at once, specifying in detail which receipts, when returned, will be forwarded by me to \_\_\_\_\_ (Chief Requisition the name and address of such person, firm or corporation and the nature of such Officer who signed the Proposal) interest. 3. Inquiry made by me indicates that the following persons in addition to these enu-Dated\_\_\_\_ \_\_\_\_\_, 194\_\_.

§ 81.1425 Instructions for the prep-

aration and submission of documents.

(a) Each proof of claim and disclaimer will be filed in triplicate as directed in the annexed Notice to present claims.

(b) Such documents and all other papers filed will be typewritten on one side of the page only with a margin of 1½" at the top and on the left side of the page.

(c) A good quality of white paper stock 8" x 10½" shall be used.

(d) Each page will be numbered at the bottom.

(e) Each document having more than one page will be secured with a fastener

at the top of the page.

(f) Proofs of claim will be in the form prescribed, will contain all the averments indicated in the prescribed form and will be executed and verified as therein prescribed. Disclaimers will be in the prescribed forms and will be duly executed and acknowledged.

(g) Claimant will attach to his proof of claim such evidence of the title or interest in the requisitioned property which claimant claimed at the time of taking, such as bills of sales, warehouse receipts, trust receipts, etc., or otherwise; such evidence of his payment for the property; and such evidence as to the propriety of the amount of his claim, such as invoices, etc., as shall be appropriate in the particular case. Documents so attached should be originals or photostat copies.

(h) If claimant is a corporation or an association, there will be amended to the proof of claim certified copy of a duly adopted resolution of its Board of Directors or trustees authorizing the filing of the proof of claim. If claimant is a foreign government, or an individual desiring to act through an attorney-in-fact, a form of power of attorney which will be acceptable will be supplied on request.

# § 81.1426 Form of proof of claim.

#### PROOF OF CLAIM

(Here insert full name and address of claimant and, if a corporation, its principal place of business and state of incorporation) hereby files proof of claim with the United States and avers:

1. That claimant is entitled to fair and just compensation in the amount of \$\_\_\_\_\_ on account of the taking by the United States, on the \_\_\_\_\_ day of\_\_\_\_\_\_, 194\_\_, under War Department Requisition No.\_\_\_\_, of the following personal property:\_\_\_\_\_\_

(If the description or quantity of the property claimed to have been taken differs from the description and quantity as stated in the Requisition, set forth the differences in a concise and clear manner.)

a concise and clear manner.)

2. That claimant had, on the date of such taking, the following right, title and interest in and to such property:

(State fully claimant's interest in the property at the time of taking; i. e., whether he was the sole owner or claimed some other interest in the property; how and when such interest was acquired; etc.; also referring to

documents evidencing claimant's title, 'annexing original or photostate copies thereof.)

3. That no other persons had any right, title or interest in the property at the time of such taking thereof by the United States except:

(If no exceptions so state; otherwise state names and addresses of all other persons having an interest in the property, describing the nature of their respective interests.)

4. That the amount claimed above as fair and just compensation for the interest in the property which claimant avers above was arrived at as follows:\_\_\_\_\_\_

5. That claimant is the present owner of this claim and that neither this claim nor any interest in it has been transferred, sold, pledged or assigned; and, that if such claim or any part thereof is otherwise paid or satisfied, claimant will give prompt notice thereof.

6. \_\_\_\_\_\_\_ is hereby authorized to represent and act for claimant in this proceeding in all respects, including authority to agree as to the amount representing fair and just compensation for the

property.
7. Wherefore, claimant requests that fair and just compensation be determined in accordance with the applicable laws, Executive Orders, regulations and rules.

Dated at \_\_\_\_\_\_, State of \_\_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 194\_\_\_

(Name of Claimant and, if a corporation partnership, or other entity, name of person authorized to sign, with designation of his title)

Address \_\_\_\_\_Name and address of attorney, if any.

§ 81.1427 Forms of verification—(a) Form of verification by an individual.

State of \_\_\_\_\_County of \_\_\_\_\_City of \_\_\_\_\_

(Insert here name of claimant), being first duly'sworn, deposes and says that he is the claimant in the above entitled proceeding; that he has read the foregoing Proof of Claim and knows the contents thereof, and that the averments in said Proof of Claim are true of his own knowledge, except as to matters which are therein stated on information or belief, and that as to those matters, he believes the averments to be true.

Subscribed and sworn to before me this day of \_\_\_\_\_, 194\_\_.

Notary Public in and for the \_\_\_\_\_of \_\_\_\_\_ State of \_\_\_\_\_

(b) Form of verification by a corporation.

State of \_\_\_\_\_\_County of \_\_\_\_\_City of \_\_\_\_\_

(Insert here name of officer or director of the corporation), being first duly sworn, deposes and says that he is the (insert title) of the (insert name of corporation), claimant in the above entitled proceeding; that he is authorized to, and does make this affidavit in its behalf; that he has read the foregoing Proof of Claim and knows the contents thereof, and that the averments in said Proof of Claim are true of his own knowledge, except as to matters which are therein

stated on information or belief, and that as to those matters, he believes the averments to be true.

(c) Form of verification by, or on behalf of a foreign government.

tion and belief, and that as to those matters

Notary Public in and for the \_\_\_\_\_\_State of

§ 81.1428 Form of disclaimer.

DISCLAIMER

tmont Description 37-

(Insert name)

(Insert name)
having received due notice of the service of
the War Department Requisition Nodated -----, does hereby
disclaim any right, title or interest in or to
the property taken under such Requisition
and any claim for compensation on account

of its such taking.
Dated \_\_\_\_\_, 194\_\_.

§ 81.1429 Form of notice of preliminary determination of fair and just compensation.

NOTICE OF PRELIMINARY DETERMINATION OF FAIR AND JUST COMPENSATION

War Department Requisition No.\_\_\_\_To all persons known to claim an interest in the property described below:
Please take notice that the following pre-

Please take notice that the following preliminary determination has been made with respect to the property described below which was requisitioned by the United States.

Description of Property:

Preliminary determination of fair and just compensation therefor:

which sum is hereby offered to the person or persons entitled thereto as their interests may appear.

This determination relates only to the aggregate amount of compensation. Payment can be made only to persons who show, to the satisfaction of the Requisitioning Authority, that they are entitled thereto.

If you have any objection to the above preliminary determination, such objection must be made in writing within 30 days of the date

<sup>&</sup>lt;sup>2</sup> Omit if not a corporation.

hereof and must specify in detail the grounds for such objection. All communications should bear the reference number appearing above and should be addressed to: Dated: Washington, D. C.,\_\_\_\_ 194\_\_\_ (Chief Requisitioning Officer) § 81.1430 Form of certificate of ownership and fair and just compensation. CERTIFICATE OF OWNERSHIP AND FAIR AND JUST COMPENSATION War Department Requisition No. The undersigned hereby reports and cer-1. That the following property was taken for the defense of the United States, under the above-numbered Requisition: 2. That he has determined, on behalf of his supply service or service command, \$---to be fair and just compensation for the property, which amount is within/exceeds the applicable ceiling or fixed price for such property established by the Office of Price Administration, or otherwise established by law; and that such amount was determined and arrived at as follows: 3. That the following inquiry was made to ascertain the former owners of, and claimants of interest in, the property as a result of which Notices of Requisition were served upon the following persons: Name \_\_ Nature of Interest or Possible Interest ... 4. That he has determined that the fol-lowing are the only persons who owned, or had any interest in, the property at the time it was so taken:

Nature of Interest such 'determination being based upon the

5. That Notice of Preliminary Determination of Fair and Just Compensation for the property was duly served upon all persons enumerated in paragraph 4, except the following:

following:

6. That the undersigned has determined that the fair and just compensation for the pro erty should, and may safely, be paid to the following persons in the following amounts:

Name \_. Address \_\_\_ \_\_\_\_\_ Amount\_.

7. That the following of such persons have agreed to accept such respective sums in full satisfaction and discharge of their respective claims for fair and just compensation on account of the taking of the property, as evidenced by the Stipulation and Releases annexed hereto:

Upon the foregoing, the undersigned recommends that \$\_\_\_\_\_\_ be determined to be fair and just compensation for the property taken for the defense of the United States under War Department Requisition No. \_\_\_\_\_ and that an Award of Fair and Just Compensation be made directing that such amount be paid by \_\_\_\_\_, as disbursing officer, from allotment or appro-\_\_\_\_, to the persons priation . enumerated, and in the respective amounts stated, in paragraph 6 hereof. Dated \_\_\_\_\_

(Chief Requisitioning Officer)

(Chief of Technical Service or Commanding Officer of Service Command)

§ 81.1431 Form of stipulation and release.

In the Matter of the Claim of

(Insert name of Claimant) War Department Regulation No. \_\_\_\_

#### STIPULATION AND RELEACE

It is hereby stipulated and agreed by . \_\_\_ to and with the United States of America:

1. That War Department Requisition No. and in conformity with the Act of \_\_\_\_\_, as amended, was duly cerved on

.\_\_\_\_ by \_\_\_\_ on \_\_\_\_\_\_, 194\_\_ and a due and proper receipt given by the United States for the property taken thereunder; and that due and proper Notice of Requisition thereof was served upon the undersigned;

2. That the property authorized to be taken by said War Department Requisition No. \_\_ 2, and no other property, was taken by the United States, such property authorized to be taken and taken being: \_.

which property at the time of its taking, was located at \_\_\_\_\_

[3. That the undersigned stipulates and agrees that 8\_\_\_\_\_ represents, and is, full, fair and just compensation for such prop-

erty:]
4. That, at the time such property was requisitioned, the undersigned had, and hereby warrants to the United States that it had, the following interest in such prop-

(If the sole owner thereof, state "full right, title and interest therein, free of all liens and incumbrances of every nature.")

[and that, at such time, the following other persons and no others, had an interest in such property and therefore are entitled to receive the following proportional amounts of such fair and just compensation:]

Address\_\_\_\_\_ Interest'\_\_\_\_\_ Amount\_.

5. That the undersigned agrees to accept 8\_\_\_\_\_, without interest, in full and complete settlement and satisfaction of its said interest in such property and of all claims which it has or may have against the United States and its officers, agents and employees on account of the requisitioning

of such property;
[6. And that, upon payment by the
United States to the undersigned of such ...., the undereigned will, and it hereby does, agree to indemnify and cave harmless the United States from and against any and all claims which may be accerted against the United States, its officers, agents and employees for compensation on account of such taking by the United States of such property [other than claims by the percons, and not in excess of the respective amounts, referred to in paragraph 4 above]; and if it shall hereafter be determined by final judgment or decree of a court of competent jurisdiction that the United States is obligated to pay to any person, other than the undersigned [and those persons referred to in paragraph 4 above] compensation on account of its such taking of such property [or obligated to pay to the persons, or any of them referred to in cald paregraph 4, com-pensation in an amount greater than that there provided.] the undersigned, upon de-mand, will reimburse the United States the amount of all payments so made by it pursuant to such judicial determination and its costs and expenses in connection with such

judicial proceedings, but in no event shall the undereigned reimburse, or be obligated to reimbures, the United States more than

5.\_\_\_\_\_ in the aggregate:]
7. And that the undersigned does hereby forever absolve, release and discharge the United States, its officers, agents and employees, and each of them from and of any and all claims which the undersigned has, may have, or could have, by reason of the taking of such property by requisition, for compencation on account of its taking and other-

Provided, That the foregoing indemnity agreement and release are conditioned upon the payment to the undersigned by the United States of 8\_\_\_\_\_, without interest.

(Attest:\_\_\_\_\_)

(Appropriate Acknowledgment of Execution and Authority to Execute Notes to be Added.)

(1) The matter in double brackets may be omitted if the person executing is a lien claimant or a person other than the beneficial owner.

(2) The matter in single brackets should be omitted if there is but a single person entitled to receive the fair and just compensa-

§ 81.1432 Form of submission to War Department Board of Contract Appeals.

SUBMISSION TO WAR DEPARTMENT BOARD OF CONTRACT AFFEALS

War Department Requisition No. The War Department Board of Contract Appeals is requested to make recommendation as to:

(a) The fair and just compensation

(and/or)

(b) The person or persons entitled to receive the fair and just compensation to be paid for the property taken for the defense of the United States under War Department Requisition No. \_\_

1. The following is a complete and accurate description of the property taken under the Requisition:

2. The property was taken on . and at the time of the taking, was located at \_\_\_\_\_ in the passession or custody of \_\_\_\_

3. Fair and just compensation for the property was preliminarily determined by the Initial Compensation Officer to be \$\_\_\_ and by the Chief Requisition Officer to be The preliminary determination of the Chief Requisition Officer was subsequently reviced to 8\_\_\_\_\_ and was preliminarily determined to be payable to the following persons in the following amounts:

4. The following claimants have made the following objections to the amount so preliminarily determined to be payable to them:

and the Chief Requisition Cificer is of the following opinion with respect to such objections:

5. There was/was not in effect at the time of the taking of such property the following celling/fixed price, established by \_\_\_\_\_\_, which celling/fixed price was applicable to cales of such property:

6. The undersigned is in doubt as to the

percons entitled to receive the fair and just compensation to be paid for the property

for the following reasons:
7. The following original documents are submitted herewith:

(1) Requisition, with Receipt and Return endorsed on the reverse thereof.

(2) Notice of Regulsition which was served

(3) Report of Serving Officer.

- (4) Notice to File Claims.
- (5) Report of the Initial Compensation Officer.
  - (6) Proofs of Claim filed by:
  - (7) Disclaimers filed by:
- (8) Notice of preliminary determination of fair and just compensation which was served on:
- (9) Written objections to such preliminary determination filed by:
- 8. Correspondence from the Board in respect of this matter should be addressed to:
- 9. The Board's decision in the matter Headquarters, Army Service Forces.

Dated: (Chief Requisition Officer)

Approved:

(Chief of Technical Service or Service Command)

#### COMPULSORY ORDERS TO PRODUCE

§ 81.1450 Authority to place compulsory orders—(a) Basic statute. Section 9 of the Selective Training and Service Act of 1940 (54 Stat. 892: 50 U.S.C.A. 309) provides:

The President is empowered, through the head of the War Department or the Navy Department of the Government, in addition to the present authorized methods of purchase or procurement, to place an order with any individual, firm, association, company, corporation, or organized manufacturing industry for such product or material as may be required, and which is of the nature and kind usually produced or capable of being produced by such individual, firm, company, association, corporation, or organized manufacturing industry.

Compliance with all such orders for products or material shall be obligatory on any individual, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof and shall take precedence over all other orders and contracts theretofore placed with such individual, firm, company, assoclation, corporation, or organized manufac-turing industry, and any individual, firm, association, company, corporation, or organ-ized manufacturing industry or the responsible head or heads thereof owning or operating any plant equipped for the manufacture of arms or ammunition or parts of ammunition, or any necessary supplies or equipment for the Army or Navy, and any individual, firm, association, company, cornotificial, firm, association, company, corporation, or organized manufacturing industry or the responsible head or heads thereof owning or operating any manufacturing plant, which, in the opinion of the Secretary of War or the Secretary of the Navy shall be capable of being readily transformed into a plant for the manufacture of formed into a plant for the manufacture of arms or ammunition, or parts thereof, or other necessary supplies or equipment, who shall refuse to give to the United States such preference in the matter of the execution of orders, or who shall refuse to manufacture the kind, quantity, or quality of arms or ammunition, or the parts thereof, or any necessary supplies or equipment, as ordered by the Secretary of War or the Secretary of the Navy, or who shall refuse to furnish such arms, ammunition, or parts of ammunition, or other supplies or equipment, at a reasonable price as determined by the Secretary of War or the Secretary of the Navy, as the case may be, then, and in either such case, the President, through the head of the War or Navy Departments of the Government, in addition to the present authorized methods of purchase or procurement, is hereby authorized to take immediate possession of

any such plant or plants, and through the appropriate branch, bureau, or department of the Army or Navy to manufacture therein such product or material as may be required, and any individual, firm, company, associaand any individual, first, company, association, or corporation, or organized manufacturing industry, or the responsible head or heads thereof, failing to comply with the provisions of this section shall be deemed guilty of a felony, and upon conviction shall be punished by imprisonment for not more than three years and a fine not exceeding \$50,000.

The compensation to be paid to any individual, firm, company, association, corporation, or organized manufacturing industry for its products or material, or as rental for use of any manufacturing plant while used by the United States, shall be fair and just: Provided, That nothing herein shall be deemed to render inapplicable existing State or Federal laws concerning the health, safety, security, and employment standards of the employees in such plant.

(b) Delegation of statutory authority. By Executive Orders Nos. 8620 (6 F.R. 191), 9024 (7 F.R. 329), 9040 (7 F.R. 527), and 9125 (7 F.R. 2719) the Chairman of the War Production Board was authorized to perform the functions and exercise the authority vested in the President by section 9. By Executive Orders Nos. 9280 (7 F.R. 10179) and 9334 (8 F.R. 5423). the War Food Administrator was authorized to perform' such functions and to exercise such authority in respect of compulsory orders for food for human and animal consumption. The Secretary of War has assigned his powers, functions and duties under section 9 to the Under Secretary of War.

(c) Placing of compulsory orders. No compulsory order may be placed under the authority of section 9, or any other statute, except in conformity with this procurement regulation, unless authority to place such orders for specified products and materials has been specifically delegated. Compulsory orders placed pursuant to any such specific delegation will be placed in conformity therewith, and, in the respects not covered by such delegation, in conformity with this procurement regulation.

§ 81.1451 Policy. While the general use of compulsory orders is not favored, they will be used without hesitation when the required products or materials cannot be procured from another source within the time or in the quantities needed, when such products and materials are of the nature and kind usually produced, or capable of being produced by the proposed producer, and where patient efforts to place a voluntary order on reasonable terms have been unavailing. Care will be taken in determining the necessity for the procurement and the specifications and the quantities of the products and materials to be procured by the compulsory order, in order to obviate to the greatest extent possible the necessity of changing, amending or canceling the compulsory order after it has been placed.

§ 81.1452 Procedure for obtaining authority to place compulsory orders—(a) Form of request for authority. Whenever a technical service deems it appropriate that a compulsory order be placed, the chief of the technical service will

transmit to the Director, Purchases Division, Headquarters, Army Service Forces, Washington, D. C., a request for authority to place such compulsory order, which request will set forth (1) the facts indicating that the products or materials so desired to be ordered are of the nature and kind usually produced, or capable of being produced, by the proposed producer, (2) the facts indicating the urgency of the need for such products or materials and the availability or nonavailability of other sources for the production thereof, (3) the reason or reasons given by the proposed producer for refusing to accept a voluntary order for such products or materials and, if such refusal was based upon price, the price which the proposed producer has demanded, the price which the technical service has offered to the proposed producer, prices being paid to others for the same or comparable products and materials and all then available and pertinent information as to the proposed producer's probable cost of producing such products and materials and (4) any other matter which may be deemed pertinent to a determination as to whether a compulsory order should be placed. Except as provided in paragraph (b) of this section, such request will be in triplicate and will be accompanied by four copies of the proposed compulsory order. in the form of that set forth in paragraph (c) of this section, with such minor modifications therein as may be appropriate in the particular case.

(b) Transmittal of request. Such request will be by written memorandum and will be transmitted through channels unless the need for the product or material is so urgent as to indicate the necessity for prompter action, in which event the pertinent information indi-cated above may be incorporated in a teletype or telegraph message and in that event transmittal of the proposed compulsory order may be omitted.

(c) Form of compulsory order. Compulsory orders will be in the following form, with such minor modifications therein as may be appropriate:

PREFERENCE RATING

Compulsory Order No. ---------(Place) (Date)

GENTLEMEN:

1. Under the authority of the President and pursuant to instructions of the Scoretary of War and of the [Chairman of the War Production Board,1] which instructions have been issued, respectively, by virtue of the provisions of Section 9 of the Selective Training and Service Act, 1940 (Public Law No. 783, 76th Congress), and Executive Orders Nos. [8629, dated January 7, 1941, 9024, dated January 16, 1942, 9040, dated January 24, 1942 and 9125, dated April 7, 1942, 1] an order is hereby placed with you for furnishing and delivering the products and materials required by the War Department, of the nature and kind usually produced or capable of being produced by you, more particularly described

<sup>1</sup> If the order relates to food for human or animal consumption "War Food Administra-tor" will be substituted for "Chairman of the War Production Board" and the Executive Orders referred to will be "9280, dated Do-cember 5, 1942 and 9334, dated April 19, 1943".

in Exhibit "A" attached hereto, which Exhibit "A" is by this specific reference made a part hereof; said products and materials to be furnished and delivered to the Government, f. o. b. a point or points to be later designated by the Contracting Officer, in accordance with the schedule of deliveries set out in said Exhibit "A", or as may hereafter be furnished to you.

2. This order, compliance with which is

2. This order, compliance with which is obligatory, shall take precedence over all other orders and contracts except orders and contracts bearing duly assigned preference ratings and, as to such rated orders and contracts, shall take precedence in accordance with the preference rating assigned to this order, and you are hereby directed to proceed forthwith with the manufacture of said products and materials.

3. You will be paid fair and just compensation for the products and materials specified in Exhibit "A" above. Determination of the reasonable price for such products and materials will be made by or on behalf of the Secretary of War which price, if accepted by you, will be the measure of the fair and just compensation to which you are entitled. You will subsequently be advised in writing by the Contracting Officer as to the reasonable price so determined. Until

you are authorized to submit to the Contracting Officer such data as in your opinion may be pertinent to the determination of such reasonable price. In no event, however, will the price for such products and materials exceed the ceiling price on prices for such products and materials established by the Office of Price Administration or otherwise established by law and in effect at the time of delivery.

4. Nothing contained in this order shall be deemed to render inapplicable in the performance thereof existing State or Federal laws concerning the health, safety, security, and employment standards of the employees

in your plant.

5. You will comply in the performance of this order with all laws pertaining to the furnishing of the products and materials referred to in Exhibit "A" hereof. All applicable contract clauses required by Federal law or Executive Order to be incorporated in contracts for articles of the kind hereby ordered are by reference hereby incorporated herein.

6. If the interests of the Government require termination of this order, a fair and just settlement will be made.

7. The Finance Officer, U. S. Army, \_\_\_\_\_ is designated as the officer to make payments under this order. The supplies and services to be obtained by this instrument are authorized by, are for the purpose set forth in, and are chargeable to the following procurement authorities, the available balances of which are sufficient to cover cost of same:

(d) Assignment of preference rating and specification of delivery schedule. Compulsory orders will be assigned the same preference rating as would have been assigned if a voluntary contract were placed for the product or material, and in the same manner. The schedule of deliveries under the proposed order will be one which reasonably can be met in view of the preference rating assigned to the order and the ability of the proposed producer to obtain the materials, labor, possible new machinery, etc., required to perform the order.

(e) Clearance of requests for, and transmittal of, authority to place com-

pulsory orders. The Purchases Division, Headquarters, Army Service Forces, will process such requests for authority to place compulsory orders and, if such authority is granted, will transmit the requisite authority to place the compulsory orders through channels to the chief of the technical service, unless the chief of the technical service has requested that such authority be transmitted directly to a specified procurement office or officer, in which event such authority to place the compulsory order will be transmitted directly to such procurement office or officer.

(f) Numbering and distribution of compulsory orders. Compulsory orders, and supplements thereto (see paragraph (d) of § 81.1455), will be numbered and will be distributed in the same manner as voluntary contracts, in accordance with provisions of §§ 81.309 to 81.318.

§ 81.1453 Service of compulsory orders—(a) Method of service. Where practicable, compulsory orders signed by the contracting officer pursuant to such authority will be served by hand upon the proposed producer. If the proposed producer is a firm, such service will be made upon a partner thereof, and if the proposed producer is a corporation or other organization, such service will be made upon an executive officer. If such personal service is impracticable or will involve unreasonable delay, service may be made by mailing by registered mail, return receipt requested, the compulsory order signed by the contracting officer, addressed to the proposed contractor at its usual place of business. The copy of the compulsory order so served will be a duplicate number thereof signed by the contracting officer. Service of the compulsory order will be made by a commissioned officer designated by the technical service.

(b) Return of service. Promptly after service of a compulsory order, the officer making service thereof will execute a certificate as to the time and method of service, the original of which certificate will be permanently attached to the copy of the compulsory order to be retained by the technical service.

(c) Report of service. A copy of such certificate of service will be transmitted promptly through channels:

(1) In the case of technical services other than the Army Air Forces, to the Legal Branch, Purchases Division, Headquarters, Army Service Forces, Washington 25, D. C.

(2) In the case of the Army Air Forces to the Army Air Force Procurement Liaison Branch, Purchases Division, Headquarters, Army Service Forces, Washington 25. D. C.

§ 81.1454 Financing of the producer. Should the producer require financing in connection with the performance of the order, in an appropriate case such financing may be provided by a direct Government loan or a guaranteed loan to the producer in conformity with the provisions of §§ 81.319 and 81.320.

§ 81.1455 Determination of price—(a) Transmittal of price data. Unless the

technical service shall have reached an agreement with the producer as to the reasonable price to be paid for the products or materials to be furnished under the compulsory order, the chief of the technical service will transmit to the Director, Purchases Division, Headquarters, Army Service Forces, Washington, D. C., such data and information, in addition to that provided for in paragraph (a) of § 81.1452, as shall be necessary to permit such reasonable price to be determined by or on behalf of the Secretary of War, including the cost and other data submitted by the producer, the technical service's analysis and evaluation of such data and such other information as shall be appropriate. Such data and information will be accompanied by the recommendation of the chief of the technical service as to the price or prices which, under the circumstances, he deems reasonable for the products and materials to be furnished under the order.

(b) Time within which such price data will be transmitted. Such price and cost data and such recommendation of the technical service will be so transmitted at the earliest date practicable under the circumstances and in time sufficient to permit determination of the reasonable price for the products and materials to be made by or on behalf of the Secretary of War and communicated to the producer as provided in paragraph (d) of this section prior to the date of the first delivery scheduled under the order.

(c) Determination of price. On the basis of the data so submitted and all other available data, the reasonable price for the products and materials will be so determined and such determination promptly will be transmitted to the chief of the technical service.

(d) Supplement to order stating price and terms of payment. The contracting officer, by letter signed by him and making reference to the compulsory order by number, promptly will advise the producer as to the reasonable price so determined.

(e) Execution of voluntary agreements. A compulsory order may, at any time after it has been served and prior to the completion of payments thereunder, be superseded by and merged into a voluntary contract, if the producer is willing to enter into such a voluntary contract on terms satisfactory to the technical service. Such voluntary contract shall require only such approvals as would then be required if the procurement had been originally made by voluntary contract and no compulsory order issued.

§ 81.1457 Amentament of compulsory order. Should it become necessary to change the provisions of a compulsory order after it has been served, whether in respect of the delivery schedule or to increase or decrease the quantity of the items or to change the specifications of the items, and if the producer will not enter into a voluntary agreement affecting such changes, an amended compulsory order incorporating such changes will be prepared which will be forwarded for approval and, if approved, served, and processed otherwise as provided above in respect of original compulsory

PROPERTY

Disposition during circularization pe-

Disposition after circularization pe-

Deviation from regulations in ex-

Industrial property peculiar to Army

Items to be included in lists of Part 1

83.781 Items to be included in lists of Part 4

GENERAL

Section 83.706 is amended as follows:

§ 83.706 Written contracts of sale,

83.760

83,761

83.762

83,764

83.765

83.766

General.

riod.

Sales.

Circularization.

ceptional cases.

Air Forces.

property.

property.

orders. There will be included in any such amended compulsory order a further paragraph reading as follows: "8. This order amends and supersedes Order No. \_\_\_\_ dated \_\_\_ served upon you \_\_\_\_\_

§ 81.1458 Noncompliance with compulsory orders. Should any person upon whom a compulsory order has been served refuse to comply with the terms thereof, the technical service placing such compulsory order will promptly advise the Director, Purchases Division, Headquarters, Army Service Forces, Washington, D. C., as to such noncompliance and the reasons therefor.

# PART 83-DISPOSITION OF SURPLUS AND UNSERVICEABLE PROPERTY'

# [Procurement Regulation 7]

	[Procurement Regulation 7]	8 05.100 Willest Contracts of Sute,
	fracentement mobilination (1	numbering and distribution thereof. All
-	GENERAL	contracts for the sale of property for an
'	DESCRIPTION	amount in excess of \$1,000 and all con-
Sec.		tracts for more than \$500 which are not
3.701	Rescission of regulations.	to be performed within sixty days, and
3.702	Property defined.	all contracts authorized under §§ 83.721,
3.703	Classification of property.	83.722, 83.723 (a) or 83.724 shall be evi-
3.704	Negotiation.	
3.705	Disposition of proceeds of sale.	denced by a written contract. All other
3.706	Written contracts of sale, numbering	sales will be evidenced on accounting
	and distributions thereof.	forms now or hereafter prescribed by the
33.707		chiefs of the technical services con-
,	ulations.	cerned, subject to the approval of the
33.708	Application to Army Air Forces.	Fiscal Director, Headquarters, Army
33.709	Designation of redistribution and sal-	Service Forces, who shall in this respect
•	vage officer.	be deemed to be acting as representatives
33.710	Sales of \$1,000,000.	of the Secretary of War. The provisions
33.711	Coordination with property officer.	of §§ 81.309–81.309 (c) and of § 81.318b
3.712	Reports.	(e) of these procurement regulations re-
3.713	Direct correspondence authorized.	
33.714	Special treatment of items of interest	lating to the numbering of contracts are
	to a particular technical service.	applicable to contracts for the sale of
Jieboei	TION OF PROPERTY FOR PURPOSES DI-	property except that in connection with
	A RELATED TO THE PROSECUTION OF THE	such contracts a separate series of num-
WAR	. I The im to the thousand of the	bers will be used in which the letter "s"
		will be added immediately after the let-
33.720	General.	ters representing the technical service
33.721	Authority of chiefs of technical serv-	(or service command) concerned. Con-
00 1100	ices.	tracts for the sale of property will be dis-
33.722 33.723	Sales to Red Cross and U. S. O.	tributed in the same manner as other
33.724	Leases. Other sales and leases under the First	contracts (see §§ 81.315 to 81.318), except
0.124	War Powers Act.	that (a) when a sale of War Department
33.725	Leases under other statutes.	
33.726	Required clauses.	property is made under a contract or
33.727	Disposition by contractors.	agreement the officer or agent of the War
	Transfers to other Federal Agencies.	Department by whom funds are received
33.729	Transfer to other War Department	as a result thereof will, in turning the
	Components.	funds over to a disbursing officer, accom-
33.730	Transfers to and from Navy.	pany such remittance with a copy of the
33.731	Procedure for transfers without re-	contract or agreement covering the terms
	imbursement.	of the sale; and (b) the original signed
33.732	Gifts and loans of drawings and sim-	number of each unnumbered contract of
	ilar property.	såle will be forwarded through channels
33.733	Exchange of property.	to the Coneral Assembling Office instead

# in the case of unnumbered contracts of. purchase. Section 83.731 is amended as follows:

to the General Accounting Office instead

of being sent to the disbursing officer, as

§ 83.731 Procedure for transfers without reimbursement. Officers authorized to transfer or direct the transfer of property without reimbursement under §§ 83.729 or 83.730 will prepare written orders, listing in detail the property to be transferred, copies of which will be furnished to the accountable property officer and the receiving officers. Such orders will contain a request that the authority directing the transfer be advised of any discrepancies between the order and the property shipped or received. A copy of such orders will be used as a

valid debit or credit voucher to property accounts. It will not be necessary to list for fiscal or property accounting purposes dollar values of property transferred without reimbursement.

Section 83.761 (b) is amended as follows:

§ 83.761 Circularization. \* \* \*

(b) Description and coding. (1) Circularization lists will be on 8" x 10 2" paper and will contain the following information:

(i) Name of issuing office together with the station identification number and appropriate letter symbol of the technical service concerned.

(ii) Serial number of list. Each issuing office will serially number each list circularized beginning with the number 1.

(iii) Date of circularization, which will be the date of transmittal required under paragraph (c) of this section.

(iv) Date of transmittal to War Production Board required under § 83.763 (b), in the case of Part 1 and Part 4 property.

(v) Serial number of items or lots. Items or lots will be serially numbered under each part of each list, and, in the case of Part 1, under each section.

(vi) Description of items or lots. Descriptions will comprise such information as would be required by the controlling technical service if it were procuring the property, including, when pertinent, name of manufacturer, manufacturer's catalog number if available, identification numbers, location, age, condition, quantity and cost per unit if available.

(vii) Specific instructions by which an interested agency may be guided in negotiating sale or transfer of property reported. Names, mail and telephone addresses of officers authorized to carry on negotiations may be either included in each list circularized, or published in bulletin form by the technical service concerned to all recipients of the lists.

(2) Items of property at any one location, of a cost, estimated if not known, of less than \$100 per item may be reported in Part X either singly or in mixed lots with such abbreviated description as would inform an interested agency of the general nature and utility of such property, subject to inspection or the furnishing of a more detailed description upon specific inquiry.

abbreviation in communications regarding property circularized, items may be identified by code, which will include in sequence, the station identification number and letter symbol of the issuing office, serial number of list, part and section of list, serial number of item. For example, a particular heat exchanger listed as the second item in Part 1 of

(3) For the purpose of convenient

the third list-circularized by an office of Ordinance Department having station identification number "123" would be identified as "123-Ord-3-1-BQ-2".

[SEAL]

Major General, The Adjutant General.

J. A. Ulio,

[F. R. Doc. 43-14102; Filed, August 30, 1943; 9:16 a. m.]

83

#### DISPOSITION OF NONREPAIRABLE PROPERTY

83.740 Disposition of nonrepairable industrial property.

83.741 Disposition of nonrepairable military and miscellaneous property.

83.742 Disposition by salvage officer. 83.743 Donations.

DISPOSITION OF SURPLUS SERVICEABLE MILITARY AND MISCELLANEOUS PROPERTY

83.750 Disposition of surplus serviceable military property.

#### DESCRIPTION

83.751 Disposition of surplus miscellaneous

property.

Report to Procurement Division, 83.752 Treasury Department.

83.753 Disposition.

TITLE 24—HOUSING CREDIT

Chapter VII—National Housing Agency [NHA General Order 60-3A]

PART 702—PRIVATE WAR HOUSING

METHODS OF DISPOSITION, INCLUDING RENT LEVELS, SALES PRICES, AND PETITIONS TO NATIONAL HOUSING AGENCY

The National Housing Agency occupancy and disposition policies applicable to all private wer housing are stated in NHA General Order 'No. 60-2 (8 F.R. 1829). The purpose of this order is to promulgate, regulations implementing such policies.

Sec

702.10 Definitions.

702.11 Disposition of private war housing. 702.12 Adjustment of rent or sale price.

AUTHORITY: §§ 702.10 to 702.12, inclusive, issued under 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 177, 50 U.S.C. 1152; E.O. 9024, 7 F.R. 329 as amended by E.O. 9040, 7 F.R. 527, E.O. 9125, 7 F.R. 2719, E.O. 9335, 8 F.R. 5425; WPB Preference Rating Order P-55-a, 8 F.R. 2260; WPB Preference Rating Order P-55-b, 8 F.R. 4705; WPB Directive 25, 8 F.R. 8801.

§ 702.10 Definitions. (a) As used in this order, the following terms are defined as follows:

(1) "Private war housing", "begun", "completion", and "held for rental" shall have the meaning ascribed to them in NHA General Order No. 60-2;

- (2) "Sale price" means the total consideration paid by the purchaser, excluding those incidental charges which a purchaser of real estate customarily assumes in the community where the real estate is located;
- (3) "Shelter rent" means the total rent less reasonable allowances for tenant services;
- (4) "Tenant services" means those services and utilities which are customarily provided and paid for by a lessor of an unfurnished dwelling unit in the community where the real estate is located; household furniture for a furnished dwelling unit is not included in "tenant services".
- (5) "Room" means only a living room, dining room, sleeping room, or kitchen, except that a kitchenette or dinette is considered as one-half room each.

Disposition of private war housing. (a) For the duration of the national emergency declared by the President on September 8, 1939, (4 F.R. 3851) all private war housing begun on or after February 10, 1943 shall be held for rental to eligible war workers as provided in NHA General Order No. 60-2. at the payments specified in the application for priority assistance or authority to begin construction submitted in connection with such dwelling units, which total monthly payments (unless otherwise authorized in § 702.12 hereof) shall in no event exceed \$50 per month shelter rent per unfurnished dwelling unit plus a reasonable charge for tenant services (in no event, exceeding \$3 per month per room), plus a reasonable price for garage space, plus the actual cost on a pro rata basis of tenant gas and electricity; and, except for involuntary transfers, shall be disposed of only as follows:

(1) (i) A dwelling unit in a private war housing project may be purchased by an occupant (initial occupant or reoccupant) after two months' continuous occupancy by such occupant.

(ii) Without conforming to subdivi-sion (i) which precludes selling except at the option of the eligible war worker occupant exercised after at least two months' rental occupancy, a dwelling unit in a private war housing project may be held for sale or sold to an eligible war worker, Provided That any sale so made shall take place not later than 15 days after the Federal Housing Administration makes its final Priority Compliance Inspection Report ("Completion Report") with respect to the unit (after which time the unit if not sold shall be held for rental as indicated in subdivision (i)): And provided, further, That no owner shall sell more than one-third of the units in all projects (begun on or after February 10, 1943) which he has placed under actual construction in any war housing area except such sales as are made in conformity with the requirement of holding for rental as indicated in subdivision (i), And provided, *further*, That any sale made pursuant to subdivision (ii) shall be within a price range for the general types of units intended to be sold which is acceptable to the National Housing Agency. The proposed price range shall be submitted to the Federal Housing Administration in advance of any sale by letter or other appropriate method, and in the case of all PD-105 applications filed on or after August 1, 1943 shall be submitted with the application. Any sale, either with or without prior rental occupancy, is subject to the conditions that:

(a) The sale price (except as provided in § 702.12 hereof) is not in excess of the fair market price thereof, or \$5,000, whichever is lower,

(b) The purchaser is an eligible war worker under the provisions of NHA General Order No. 60-1, and

General Order No. 60-1, and

(c) The owner submits to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, an agreement in the prescribed form (Form NHA 60-1), properly executed by the purchaser, stating that such purchaser will continue to occupy the dwelling unit or will hold the dwelling unit subject to all occupancy and disposition provisions set forth in NHA General Order No. 60-2.

A sale may be made under this paragraph (a) (1) without obtaining further approval from the National Housing Agency, provided the above-mentioned Form NHA 60-1 is submitted to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, immediately following such sale.

(2) Any such housing may be transferred to a person who will not occupy any part of such housing as his (or her) own dwelling, if:

(i) The sale price (except as provided in § 702,12 hereof) of each dwelling unit

in such housing is not in excess of the fair market price thereof, or \$6,000, whichever is lower, and

(ii) The transferor submits to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, an agreement in the prescribed form (Form NHA 60-1), properly executed by the transferee, stating that such transferee will hold the premises subject to all occupancy and disposition provisions set forth in NHA General Order No. 60-2.

A transfer may be made under this paragraph (a) (2) without obtaining further approval from the National Housing Agency, provided the abovementioned Form NHA 60-1 is submitted to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, immediately following such transfer.

(3) An eligible war worker under NHA General Order No. 60-1 may file an application for priority assistance for a private war housing unit suitable to his needs, and upon approval of such application may build, own and occupy such unit without conformity to rental requirements: Provided, That such war worker submits satisfactory evidence to the Federal Housing Administration that he has the bona fide intention and capacity to build for himself and is not being utilized to circumvent the rental requirements which exist for his protection. Any disposition of such unit by such war worker shall be subject to the rules of disposition set forth in paragraph (a).

(4) At any time subsequent to 60 days after completion of any private war housing, the original owner, or any subsequent owner, of such housing may petition the National Housing Agency to permit such housing to be disposed of otherwise than as provided above in paragraph (a). Any such petition shall be submitted to a National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, on a properly executed Form NHA 60-2. Each National Housing Agency Regional Representative is hereby authorized to grant such relief to persons who petition under this paragraph as the National Housing Agency Regional Representative deems appropriate, in the particular case, by relaxing the occupancy and disposition provisions applicable to such housing. Any relaxation of such occupancy and disposition provisions may permit a shortening of any holding period applicable to such housing or a liberalization of the definition of eligible war worker appli-cable to such housing, or both; may permit a change in rent level or sale price in accordance with § 702.12 of this general order; and, in exceptional cases. where the National Housing Agency Regional Representative determines that there is no further need for reserving such housing for eligible war workers, the occupancy and disposition provisions may be removed entirely from such housing.

(b) All private war housing begun prior to February 10, 1943, the owner-

ship of which has been transferred since such housing was begun, may be rented, sold, or otherwise disposed of at the option of the owner without exception.

(c) All private war housing begun prior to February 10, 1943, which has not been transferred since such housing was begun, may be rented, sold, or otherwise disposed of at the option of the owner except that for the duration of the national emergency declared by the President on September 8, 1939:

(1) Rentals or sales prices (except for involuntary transfer and except to the extent approved prior to February 10, 1943 by the War Production Board, or subsequent to February 10, 1943 by the National Housing Agency) shall not exceed the respective maximum amounts permitted by the conditions of the application (or other instruments related thereto) for priority assistance, authority to begin construction, or exemption from Federal Reserve Board Regulation W (7 F.R. 3351) submitted in connection with such housing; and the requirements of such application (or other instruments related thereto) with respect to occupancy preference to war workers shall be complied with; or

(2) All such housing constructed with priority assistance, or with authority to begin construction, obtained from the War Production Board by filing an application for such assistance or author-- ity on Form PD-105 (revised 4-23-42), or Form PD-200 accompanied by a form Applicants' Supplemental Certification if such application was for authority to begin construction of housing not to be occupied by the owner, may be disposed of, except for involuntary transfers, only as provided in such application or as

follows:

(i) If such application did not provide for sale, such housing may be sold subject to the provisions set forth in § 702.11 (a) (1) (i), above: Provided, That the purchaser may be a person who has occupied the housing continuously for two months and who is an eligible war worker either under the provisions of NHA General Order No. 60-1 or the provisions of the application for priority assistance or authority to begin construction submitted in connection with such housing).

(ii) If such application did not provide for rent or lease-option, such housing may be rented, with or without an option to purchase, after the National Housing Agency Regional Representative for the area in which such housing is located has approved the initial rent or the lease-option payments for such housing. Any petition requesting such an approval of the initial rent or the lease-option payments for such housing shall be submitted to a National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, on a properly executed Form NHA 60-3. Each National Housing Agency Regional Representative is hereby authorized to approve in the particular case the amount of such initial rent or lease-option payments.

§ 702.12 Adjustment of rent or sale price. (a) The initial rent charge prior

to any occupancy or the sale price for any housing accommodations in a private war housing project may be increased over the amount provided therefor in § 702.11 of this order only when approved by the National Housing Agency. The owner of any such housing may petition the National Housing Agency to permit an increase in rent charge or sale price at any time. Any such petition shall be submitted to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, on a properly executed Form NHA 60-4. Each National Housing Agency Regional Representative is hereby authorized to grant such relief as he deems appropriate in the particular case: Provided. The petition for relief shows clearly that the owner has incurred, or will incur, costs in the construction or operation of such housing, over which the owner had or has no control, in excess of the costs estimated originally in connection with such housing.

(b) Any request for permission to increase the rent charge for any private war housing after such housing has been occupied initially must be submitted to the local office of the Office of Price Ad-

ministration.

This order shall become effective July 14, 1943.

> JOHN B. BLANDFORD, Jr., Administrator.

[F. R. Doc. 43-14224; Filed, August 31, 1943; 11:18 a. m.]

#### [NHA General Order 60-3B]

PART 702-PRIVATE WAR HOUSING

METHODS OF DISPOSITION, INCLUDING RENT LEVELS, SALES PRICES, AND PETITIONS TO NATIONAL HOUSING AGENCY

The National Housing Agency occupancy and disposition policies applicable to all private war housing are stated in NHA General Order No. 60-2 (8 F.R. 1829). The purpose of this order is to promulgate regulations implementing such policies.

702.10 Definitions.

702.11 Disposition of private war housing. 702.12 Adjustment of rent or sale price. 702.13 Modification of occupancy and dis-

position provisions by Regional Representatives.

'AUTHORITY: §§ 702.10 to 702.12, inclusive, issued under 54 Stat. 676 as amended by 55 Stat. 236 and 56 Stat. 177, 50 U.S.C. 1152; E.O. 9024, 7 F.R. 329 as amended by E.O. 9040, 7 F.R. 527, E.O. 9125, 7 F.R. 2719, E.O. 9335, 8 F.R. 5425; WPB Preference Rating Order P-55-a, 8 F.R. 2260; WPB Preference Rating Order P-55-b, 8 F.R. 4705; WPB Directive 25, 8 F.R. 8801.

§ 702.10 Definitions. (a) As used in this order, the following terms are defined as follows:

(1) "Private war housing", "begun", "completion", and "held for rental" shall have the meaning ascribed to them in NHA General Order No. 60-2:

(2) "Sale price" means the total consideration paid by the purchaser for the dwelling unit described in the priority application as approved, excluding those incidental charges which a purchaser of real estate customarily assumes in the community where the real estate is lo-

cated;
(3) "Shelter rent" shall have the meaning ascribed to it in NHA General Order No. 60-9;

(4) "Tenant services" shall have the meaning ascribed to it in NHA General Order No. 60-9;

(5) "Room" means only a living room, dining room, sleeping room, or kitchen. except that a kitchenette or dinette is considered as one-half room each.

§702.11 Disposition of private war housing. (a) For the duration of the national emergency declared by the President on September 8, 1939, (4 F.R. 3851) all private war housing begun on or after February 10, 1943 shall be held for rental to eligible war workers as provided in NHA General Order No. 60-2, at the payments specified in the application for priority assistance or authority to begin construction submitted in connection with such dwelling units, which total monthly payments (unless otherwise authorized in § 702.12 hereof) shall in no event exceed \$50 per month shelter rent per unfurnished dwelling unit plus a reasonable charge for tenant services (in no event, exceeding \$3 per month per room), plus a reasonable price for garage space, plus the actual cost on a pro rata basis of tenant gas and electricity; and, except for involuntary transfers, shall be disposed of only as

(1) (i) A dwelling unit in a private war housing project may be purchased by an occupant (initial occupant or reoccupant) after two months' continuous

occupancy by such occupant.

(ii) Without conforming to subdivision (i) which precludes selling except at the option of the eligible war worker occupant exercised after at least two months' rental occupancy, a dwelling unit in a private war housing project may be held for sale or sold to an eligible war worker: Provided, That any sale so made shall take place not later than 15 days after the Federal Housing Administration makes its final Priority Compliance Inspection Report ("Completion Report") with respect to the unit (after which time the unit if not sold shall be held for rental as indicated in subdivision (i)): And provided, further. That no owner shall sell more than onethird of the units in all projects (begun on or after February 10, 1943) which he has placed under actual construction in any war housing area except such sales as are made in conformity with the requirement of holding for rental as indicated in subdivision (i), and as provided, further, that any sale made pursuant to subdivision (ii) shall be within a price range for the general types of units intended to be sold which is acceptable to the National Housing Agency. The proposed price range shall be submitted to the Federal Housing Administration in advance of any sale by letter or other appropriate method, and in the case of all PD-105 applications filed on or after August 1, 1943 shall be submitted with the application. Any sale, either with or without prior rental occupancy, is subject to the conditions that:

(a) The sale price (except as provided in § 702.12 hereof) is not in excess of the fair market price thereof, or \$6,000, whichever is lower,

(b) The purchaser is an eligible war worker under the provisions of NHA

General Order No. 60-1, and

(c) The owner submits to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, an agreement in the prescribed form (Form NHA 60-1), properly executed by the pur-chaser, stating that such purchaser will continue to occupy the dwelling unit or will hold the dwelling unit subject to all occupancy and disposition provisions set forth in NHA General Order No. 60-2.

A sale may be made under this paragraph (a) (1) without obtaining further approval from the National Housing Agency, provided the above-mentioned Form NAH 60-1 is submitted to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, immediately following such sale.

(2) Any such housing may be transferred to a person who will not occupy any part of such housing as his (or her)

own dwelling, if:

(i) The sale price (except as provided in § 702.12 hereof) of each dwelling unit in such housing is not in excess of the fair market price thereof, or \$6,000,

whichever is lower, and

(ii) The transferor submits to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, an agreement in the prescribed form (Form NHA 60-1), properly executed by the transferee, stating that such transferee will hold the premises subject to all occupancy and disposition provisions set forth in NHA General Order No. 60-2.

A transfer may be made under this paragraph (a) (2) without obtaining further approval from the National Housing Agency, provided the above-mentioned Form NHA 60-1 is submitted to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, immediately following such

transfer.

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(3) An eligible war worker under NHA 'General Order No. 60-1 may file an application for priority assistance for a private war housing unit suitable to his needs, and upon approval of such application may build, own and occupy such unit without conformity to rental requirements, Provided, That such war worker submits satisfactory evidence to the Federal Housing Administration that he has the bona fide intention and capacity to build for himself and is not being utilized to circumvent the rental requirements which exist for his protection. Any disposition of such unit by such war worker shall be subject to the rules of disposition set forth in paragraph (a).

(4) At any time subsequent to 60 days after completion of any private war housing, the original owner, or any subsequent owner, of such housing may petition the National Housing Agency to permit such housing to be disposed of otherwise than as provided above in paragraph (a). Any such petition shall be submitted to a National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, on a properly executed Form NHA 60-2. Each National Housing Agency Regional Representative is hereby authorized to grant such relief to persons who petition under this paragraph as the National Housing Agency Regional Representative deems appropriate, in the particular case, by relaxing the occupancy and disposition provisions applicable to such housing. Any relaxation of such occupancy and disposition provisions may permit a shortening of any holding period applicable to such housing or a liberalization of the definition of eligible war worker applicable to such housing, or both; may permit a change in rent level or sale price in accordance with § 702.12 of this general order; and, in exceptional cases, where the National Housing Agency Regional Representative determines that there is no further need for reserving such housing for eligible war workers, the occupancy and disposition provisions may be removed entirely from such housing.

(b) All private war housing begun prior to February 10, 1943, the ownership of which has been transferred since such housing was begun, may be rented, sold, or otherwise disposed of at the option of the owner without exception.

(c) All private war housing begun prior to February 10, 1943, which has not been transferred since such housing was begun, may be rented, sold, or otherwise disposed of at the option of the owner except that for the duration of the national emergency declared by the President on September 8, 1939:

(1) Rentals or sales prices (except for involuntary transfer and except to the extent approved prior to February 10, 1943 by the War Production Board, or subsequent to February 10, 1943 by the National Housing Agency) shall not exceed the respective maximum amounts permitted by the conditions of the application (or other instruments related thereto) for priority assistance, authority to begin construction, or exemption from Federal Reserve Board Regulation W (7 F.R. 3351) submitted in connection with such housing; and the requirements of such application (or other instruments related thereto) with respect to occupancy preference to war workers shall be complied with; or

(2) All such housing constructed with priority assistance, or with authority to begin construction, obtained from the War Production Board by filing an application for such assistance or authority on Form PD-105 (revised 4-23-42), or Form PD-200 accompanied by a form Applicants' Supplemental Certification if such application was for authority to begin construction of housing not to be oc-

cupied by the owner, may be disposed of, except for involuntary transfers, only as provided in such application or as fol-

(i) If such application did not provide for sale, such housing may be sold subject to the provisions set forth in § 702.11 (a) (1) (i), above (Provided, That the purchaser may be a person who has occupied the housing continuously for two months and who is an eligible war worker either under the provisions of NHA General Order No. 60-1 or the provisions of the application for priority assistance or authority to begin construction submitted in connection with such housing),

(ii) If such application did not provide for rent or lease-option, such housing may be rented, with or without an option to purchase, after the National Housing Agency Regional Representative for the area in which such housing is located has approved the initial rent or the lease-option payments for such housing. Any petition requesting such an approval of the initial rent or the lease-option payments for such housing shall be submitted to a National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, on a properly executed Form NHA 60-3. Each National Housing Agency Regional Representative is hereby authorized to approve in the particular case the amount of such initial rent or lease-option payments.

§ 702.12 Adjustment of rent or sale price. (a) The initial rent charge prior to any occupancy or the sale price for any housing accommodations in a private war housing project may be increased over the amount provided therefor in § 702.11 of this order only when approved by the National Housing Agency. The owner of any such housing may petition the National Housing Agency to permit an increase in rent charge or sale price at any time. Any such petition shall be submitted to the National Housing Agency Regional Representative, through the local office of the Federal Housing Administration, on a properly executed Form NHA 69-4. Each National Housing Agency Regional Representative is hereby authorized to grant such relief as he deems appropriate in the particular case, provided the petition for relief shows clearly that the owner has incurred, or will incur, costs in the construction or operation of such housing, over which the owner had or has no control, in excess of the costs estimated originally in connection with such housing.

(b) Any request for permission to increase the rent charge for any private war housing after such housing has been occupied initially must be submitted to the local office of the Office of Price Administration.

§ 702.13 Modification of occupancy and disposition provisions by regional representatives. Each National Housing Agency regional representative is hereby authorized on his own initiative to relax the occupancy and disposition provisions applicable to any private war housing, where such action is deemed appropriate in the interests of the war housing program. Any relaxation of such occupancy and disposition provisions may permit a shortening of any holding period applicable to such housing or a liberalization of the definition of eligible war worker applicable to such housing, or both; may permit a change in rent level or sale price in accordance with § 702.12 of this general order; and, in exceptional cases, where the National Housing Agency regional representative determines that there is no further need for reserving such housing for eligible war workers, the occupancy and disposition provisions may be removed entirely from such housing. When so acting on his own initiative, the regional representative may act without reference to whether the housing has been completed or whether it has been occupied for 60 days after completion. When such relaxation or removal of occupancy and disposition provisions is contemplated for an entire locality or for a very substantial volume of private war housing, as distinguished from individual cases or relatively small volumes of housing, the regional representative shall advise the Office of the Administrator prior to taking action.

This order shall become effective August 25, 1943.

John B. Blandford, Jr., Administrator.

[F. R. Doc .43-14225; Filed, August 31, 1943; 11:18 a. m.]

# TITLE 26—INTERNAL REVENUE Chapter I—Bureau of Internal Revenue

[T. D. 5292]

Subchapter C-Miscellaneous Excise Taxes

PART 175—TRAFFIC IN CONTAINERS OF DISTILLED SPIRITS

MISCELLANEOUS AMENDMENTS

AUGUST 31, 1943.

Pursuant to section 2871, Internal Revenue Code, §§ 175.12, 175.14, 175.15, 175.20, 175.27, and 175.42 of Regulations 13 (26 CFR, Part 175) are amended to read as follows:

§ 175.12 Authorized receipt of liquor bottles. No bottler shall accept shipment or delivery of new liquor bottles except from persons holding permits under the provisions of § 175.4 of these regulations. No bottler shall accept shipment or delivery of used liquor bottles except (a) from the owner or occupant of the premises upon which such bottles may lawfully be emptied, or (b) from storage premises established under the provisions of § 175.15.

§ 175.14 Reuse of containers. The reuse for packaging distilled spirits for sale at retail of liquor bottles or other authorized marked containers, as defined herein, is prohibited: Provided, That liquor bottles, as defined herein, used for packaging domestic distilled spirits may be reused (a) by the bot-

tler whose permit number is blown therein, (b) by the parent company or wholly-owned subsidiary under the proered, as authorized by § 175.39: Proacquiring stocks of liquor bottles in the possession of a permittee when any permit is suspended, revoked, or surrendered, as authorized by § 175.39: Provided, further, That liquor bottles used for packaging imported distilled spirits may be exported for reuse under the provisions of § 175.27.

§ 175.15 Storage of liquor bottles. Each person authorized to bottle distilled spirits, including any parent company that selects one symbol and number to be blown in liquor bottles for use by it and by one or more of its whollyowned subsidiaries as authorized by § 175.11, shall store new and used liquor bottles bearing the indicia assigned to him by the Commissioner in a safe and secure place on the qualified premises: Provided, That such person, under permit issued by the supervisor of the district pursuant to an application filed on Form 98, may store such liquor bottles off his qualified premises, either in a separate warehouse, or in a separate room having solid partitions or parti-tions constructed of 9-gauge 2-inch mesh wire, provided that such warehouse or room is of sound construction and the doors and windows are adequately protected: Provided, further, That such bottler may store used liquor bottles bearing permit numbers of other authorized bottlers for the purpose of facilitating their return to the respective bottlers. He may also store liquor bot-tles used for packaging imported distilled spirits, for exportation as authorized by § 175.27. And provided, further, That an importer, under permit issued by the supervisor of the district in which the storage place is located, pursuant to an application filed on Form 98, may store liquor bottles used for packaging imported distilled spirits, either in a separate warehouse or in a separate room as prescribed above, for exportation as authorized by § 175.27. He may also store liquor bottles used for packaging domestic distilled spirits, bearing permit numbers of authorized bottlers, for the purpose of facilitating their return to the respective bottlers. Each such bottler or importer must maintain adequate commercial records covering the receipt, disposition, and stocks of all such liquor bottles. Report of shipment of used liquor bottles for packaging domestic distilled spirits to the bottling premises as prescribed by § 175.17 and notice of receipt as prescribed by § 175.18 are not required.

§ 175.20 Reports—(a) Manufacturing premises. Each person authorized by any supervisor to engage in the manufacture of liquor bottles shall furnish the supervisor of the district in which the plant is situated a monthly report on Form 146, "Monthly Report of Manufacturer of Liquor Bottles for Packaging Distilled Spirits," relating to the manufacture, disposition, and stocks of all bottles designed or intended for the packaging of distilled spirits.

(b) Bottling premises. Each bottler shall furnish to the supervisor of the district in which the bottling plant is situated a monthly report on Form 147, "Bottlers' Monthly Report of Containers for Packaging Distilled Spirits," showing the receipt, disposition, and stocks of all containers designed or intended for the packaging of distilled spirits. New and used liquor bottles will be reported separately on Form 147.

(c) Separate storage premises of bottlers. Each bottler who maintains storage premises off his qualified premises for new or used liquor bottles, or both, shall furnish to the supervisor of the district in which the place of storage is situated a monthly report on Form 147, showing the receipt, disposition, and stocks of all containers designed or intended for the packaging of distilled spirits. New and used liquor bottles will be reported separately on Form 147.

(d) Storage premises of importers. Each importer who maintains storage premises for used liquor bottles shall furnish to the supervisor of the district in which the place of storage is situated a monthly report on Form 147 showing the receipt, disposition, and stocks of all liquor bottles.

(e) Other requirements. Each manufacturer, bottler, and importer shall keep such other records and furnish such inventories and reports relating to the manufacture, shipment, delivery, purchase, use, or sale of all containers designed or intended for the packaging of distilled spirits, as the Commissioner may from time to time require.

§ 175.27 Liquor bottles exported. Containers of distilled spirits exported in bond shall not be subject to these regulations, and the manufactuer, and the shipment or delivery, of containers for packaging such spirits, as well as the manufacture for exportation, and the exportation to foreign countries, of empty containers for packaging distilled spirits for sale at retail may, upon application (Form 98), in the discretion of the supervisor of the district in which such manufacture is carried on, be authorized under permit. Used liquor bottles may be exported for reuse by the original bottler for packaging distilled spirits for exportation to the United States for sale at retail. Such exportation may be authorized under permit issued by the supervisor of the district in which such used bottles are stored, pursuant to an application (Form 98) filed by the im- . porter.

§ 175.42 Possession of used containers. The possession of used liquor bottles or other authorized marked containers by any person other than the person who empties the contents thereof, or the bottler or the importer as authorized under § 175.15, is prohibited: Provided, That this shall not prevent the owner or occupant of any premises upon which such bottles or containers may lawfully be emptied from assembling the same upon such premises (a) for the purpose of destruction or (b) for delivery to a bottler or importer who maintains a storage place for used liquor bottles authorized under § 175.15.

The foregoing amendments to Regulations 13 shall cease to be effective upon the termination of the unlimited national emergency proclaimed by the President on May 27, 1941.

JOHN L. SULLIVAN, Acting Secretary of the Treasury.

[F. R. Doc. 43-14281; Filed, September 1, 1943; 10:39 a. m.]

#### (T.D. 52931

Subchapter E-Administrative Provisions Common to Various Taxes

Part 472-Regulations Under Section 3804 of the Internal Revenue Code

TIME FOR PERFORMING CERTAIN ACTS POSTPONED BY REASON OF WAR

Section 472.102 (b) (9) and (10) of Treasury Decision 5279, relating to filing of returns and payment of capital stock tax, amended.

Section 472.102 (b) of Treasury Decision 5279 [Part 472, Title 26, Code of Federal Regulations, 1943 Sup.l, approved July 10, 1943, is amended as follows:

- (A) By changing subparagraph (9) to read as follows:
- (9) Filing any return of capital stock tax for any year ending on or after June
- (B) By changing subparagraph (10) to read as follows:
- (10) Payment of any capital stock tax for any year ending on or after June 30, 1942.

(Secs. 3791 and 3804 of the Internal Revenue Code 53 Stat. 467, 56 Stat. 961; 26 U.S.C. 3791, 26 U.S.C., Sup. II, 3804.)

GUY T. HELVERING, **ESEAL** Commissioner of Internal Revenue.

Approved: August 30, 1943. JOHN L. SULLIVAN,

Acting Secretary of the Treasury. [F. R. Doc. 43-14282; Filed, September 1, 1943; 10:39 a. m.]

# TITLE 32—NATIONAL DEFENSE

Chapter VIII—Office of Economic Warfare

Subchapter B-Export Control [Amendment 95]

PART 801-GENERAL REGULATIONS

AUTOMOTIVE PARTS, ACCESSORIES, ETC.

Section 801.2 Prohibited exportations is hereby amended in the following particulars:

In the columns headed "Department of Commerce No." and "General License Group" the Department of Commerce No. and the group designation respectively assigned to each commodity listed below, at every place where said commodity appears in said section, are hereby amended to read as follows:

Commodity	Depart- ment of Com- mercaño.	General Recurs Ereup
Automotive axle shafts. Automotive pistons. Automotive piston rings Automotive valves. Automotive differential and transmission gears, n. e. s. Automotive gears, n. e. s.	722.65 722.65 722.65 722.65 722.65 722.65	None None None None None None

There is hereby deleted from the list of commodities appearing in said section the following:

Commedity	Depart- ment of Com- merce No.	General Beence group
Automotive parts for replacements, n. e. s.	7723,09	o

and there is hereby substituted in lieu thereof the following:

Commodity	Depart- ment of Com- merco No.	General licenso group
Automobile parts for replacement, n.e.s. (include externation, pictons, piston rings, valves, gears, auto- mobile and truck springs)	7220.05	None

Shipments of commodities set forth in this amendment which were on dock, on lighter, laden aboard the exporting carrier, or in transit to ports of exit pursuant to actual orders for export prior to the effective date of this amendment may be exported under the previous general license provisions. Shipments moving to a vessel subsequent to the effective date of this amendment pursuant to Office of Defense Transportation permits issued prior to such date may also be exported under the previous general license provisions. This amendment shall become effective September 4, 1943.

(Sec. 6, 54 Stat. 714; Public Law 75, 77th Cong.; Public Law 638, 77th Cong.; Order No. 3 and Delegation of Authority No. 25, 7 F.R. 4951; Delegation of Authority No. 47. 8 F.R. 8529; Executive Order No. 9361, 8 F.R. 9861 and Order No. 1, 8 F.R. 9938)

C. VICTOR BARRY, Chief of Office, Office of Exports. AUGUST 30, 1943.

[F. R. Doc. 43-14265; Filed, September 1, 1943; 10:04 a. m.]

# Chapter IX-War Production Board Subchapter A-General Provisions

PART 903-DELEGATIONS OF AUTHORITY [Directive 16 as Amended August 30, 1943 1]

# AIRCRAFT INVENTORY TRANSFERS

§ 903.28 Directive 16-(a) Control of aircraft inventory transfers. Notwithstanding the provisions of Priorities Regulations Nos. 1 and 13 or any other order or regulation of the War Production

<sup>2</sup> This document is a restatement of Amendment 1 to Directive 16 which appeared in the FEDERAL REGISTER of August 31, 1943, page 11931, and reflects the order in its completed form as of August 80, 1943.

Board inconsistent herewith, all persons listed on Schedule A attached, as revised August 30, 1943, (Persons listed on Schedule A and affected by this directive have been mailed complete copies of this directive.) are directed not to sell, trade, give or otherwise transfer any material listed on Schedule B to any other person without authorization of the Director of the Aircraft Resources Control Office, Aircraft Production Board, or the undersigned, except to fulfill the purpose for which it was obtained.

(b) Delegation of authority. The Director of the Aircraft Resources Control Office is hereby delegated the power to authorize the transfer of materials affected by this directive and is authorized to redelegate this authority to such per-

sons as he may deem proper.
(c) Effective date. This directive shall become effective the 25th day of April,

(P.D. Reg. 1, as amended, 6 FR. 6680; W.P.B. Reg. 1, 7 FR. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; E.O. 9125, 7 F.R. 2719; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.)

Issued this 30th day of August 1943.

C. E. WILSON.

Executive Vice Chairman and Chairman, Aircraft Production Board.

- 1. All primary forms and non-assembled, partially or wholly fabricated forms of the following metals:
  - a. Aluminum and aluminum base alloys.
- b. Copper and copper base alloys.
  c. Steel (including carbon, alloy, stainless and tool steels).
- 2. Standard items of aircraft hardware on the following list:
- 1. Bolts, nuts, pins, and screws.
  a. Hex. Hd. bolts. Specification through AN-16. Specifications: AN-3
- d. Člevis bolts. Specifications: AN-21 through AN-36.
- c. Eye bolts. Specifications: AN-42 through AN-49. d. Hex. Hd.
- bolts. Specifications: Air Corps Drawing No. 60, Air Corps Drawing
- e. Drilled Hex. Hd. bolts. Specifications: AN-73 through AN-81.
- 1. Close tolerance bolts. Specifications: NAS-53 through NAS-60, NAS-62. NAS-64, NAS-66.
- g. Fhillips Hd. bolts. Specifications: NAS-200, NAS-202. h. Franson Hd. Bolts. Specifications:
- NAS-201, NAS-203.

  1. Nutr. Specifications: AN-310, AN-315, AN-316, AN-320. Air Corps Drawing No. 325, Air Corps Drawing No. 330, Air Corps Drawing No. 335, AN-340, AN-345, AN-350, AN-355, AN-360.
- 1. Cotter pins. Specifications: AN-380. E. Taper pins. Specifications: AN-385, AN-386.
- l. Clevis pins. Specifications: AN-392 through AN-400, AN-402, AN-404, AN-406.

m. Screws. Specifications: Air Corps Drawing No. 500, Air Corps Drawing No. 501, AN-502, Air Corps Drawing No. 503, AN-505, AN-510, AN-5 5, AN-520 Air Corps Drawing No. 525, AN-526, Air Corps Drawing No. 530, Air Corps Drawing No. 531, AN-535, Air Corps Drawing No. 540, AN-545, AN-550, Air Corps Drawing No. 569, Air Corps Drawing No. 565, Air Corps Drawing No. 568, Air Corps Drawing No. 570, NAF-1164, NAF-1175, NAF-1176, NAF-1177, NAF-1178, NAF-1193.

- n. Phillips hd. screws. Specifications: 42B4937 through 42B4945, 42A-4946, 42A4947, 42B5184.
- o. Frearson hd. screws. Specifications: 42A5700, 42A5701, 42B5702 through 42B5711.
  2. Turnbuckle assemblies and parts. Speci-Specifications:
- Landausic assembles and parts. Specifications: AN-130, AN-135, AN-140, Air Corps Drawing No. 161, AN-165, AN-160, Air Corps Drawing No. 161, AN-165, AN-170, NAF-1084.

  3. Rod end adjusting clevis. Specifications: AN-665.

4. Threaded clevis type tie rod terminals. Specifications: AN-665.

5. Swaged cable terminals. Specifications?

AN-666 through AN-669. 6. Dzus fasteners or equivalent. Standard or Equivalent Catalog Parts Only. (No special drawing parts to be incl.)

7. Elastic stop nuts or equivalent. Standard or Equivalent Catalog Parts Only. (No

special drawing parts to be incl.)

8. Boots self-locking nuts or equivalent.
Standard or Equivalent Catalog Parts Only.
(No special drawing parts to be incl.)

9. Aircraft valves ("Parker" type). Standard AN, AC and NAF part numbers only, but

not including oxygen valves or high pressure

10. Aircraft fittings ("Parker" type). Standard AC 811, AN and NAF part numbers

11. Swaged cable terminals. Specifications: AN-666 through AN-669.

12. Elastic stop nuts or equivalent. Standard or equivalent catalog parts only. (No special drawing parts to be incl.)

13. Boots self-locking nuts or equivalent. Standard or equivalent catalog parts only. (No special drawing parts to be incl.)

14. Aircraft valves ("Parker," "Weatherhead," etc.). Standard AN, AC, and NAF part numbers only, but not including oxygen valves or high pressure valves.

15. Aircraft fittings ("Parker," "Weatherhead," etc.). Standard AC 811, AN and NAF part numbers only.

16. Spencer thermostats. Standard NAF and manufacturers catalog numbers, (including specifications).

17. Flexible conduit. Standard AN numbers all sizes.

18. Conduit couplings. Standard AN numbers all sizes.

19. Aircraft switches and circuit breakers. Standard AN numbers or equivalent catalog parts numbers.

20. Plugs (cannon, breeze, amphenol, etc.). Standard AN numbers or equivalent catalog parts numbers only. (No special drawing parts to be included.)

21. Connectors. (Cannon, Breeze, Amphenol, etc.). Standard AN or equivalent catalog parts numbers only. (No special drawing parts to be included.)

22. Motors (electric). Fractional motors to 11/4 horse. Standard manufacturers catalog numbers.

23. Micro switches. Standard catalog numbers including special drawing parts numbers.

24. Temperature and pressure control bellows. Standard AN, AC and NAF part numbers only.

25. Resisters. Specifications NAF 1099 and standard catalog numbers only. No special drawings to be included.

26. Rheostats and potentiometers. Specifications NAF 1099 and standard catalog parts numbers only. No special drawings to be included.

27. Bearings as listed.

Guide rollers Needle rollers Fair-Leads Bell cranks Rod ends-A-500 Metric metal shielded Metric felt sealed Metric series Miscellaneous S-K S-D  $\overline{S-DD}$ 

Cable and fittings

200S

List manufacturers name and catalog numbers where AN numbers do not apply.

28. Tachometer shafts. 2', 4', 5', 7' lengths. Specification AN 94-9205 series.

29. Tachometer leads. 10', 15', 35', 40', 50' lengths. Specifications AN 94-27971.

30. High pressure air valves. "Parker," "Schrader" or "Dill." Specifications AN 812-1.

#### DEFINITIONS

1. "Primary form" means those forms in which metals are received from the mill, for example: ingot forging billets, sheet, tube, bar, wire, standard extruded shapes, etc., (and not including special extruded shapes, castings, or forgings); or mill forms which have been subjected to such fabrication as mills customarily provide upon specification of standard extras (such as cutting to length, tempering, etc.)

2. "Nonassembled, partially or wholly fabricated forms" means any nonassembled forms, (including special extruded shapes, castings and forgings) whether purchased parts or materials which have been fabricated by or for you, produced entirely from a single primary form, and which has been subjected to any fabrication beyond the extent specified for Primary Form as defined above.

3. "Copper base alloy" means any alloy metal in the composition of which the percentage of copper metal by weight equals or exceeds 40% of the total weight of the alloy;

for example, brass, bronze, nickel-silver, etc.
4. "Aluminum base alloy" means any alloy metal in the composition of which the percentage of aluminum metal by weight equals or exceeds 50% of the total weight of the alloy; for example, Alcoa alloy No. 2508, 2108, etc.

[F. R. Doc. 43-14260; Filed, August 31, 1943; 4:51 p. m.]

# Subchapter B-Executive Vice-Chairman

AUTHORITY: Regulations in this subchapter issued under sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666, 3696; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

[Priorities Reg. 11B, as Amended Aug. 28, 1943 1

PREFERENCE RATINGS FOR MANUFACTURERS NOT OBTAINING PRODUCTION MATERIALS UNDER THE CONTROLLED MATERIALS PLAN

§ 944.32b Priorities Regulation 11B— (a) Purpose and scope. The purpose of this regulation is to provide priorities as-

<sup>1</sup> This document is a restatement of Amendment 1 to Priorities Regulation 11B which appeared in the Federal Register of August 31, 1943, page 11932, and reflects the order in its completed form.

sistance in obtaining production materials for the manufacture of products other than Class A or Class B products, The use of this regulation in obtaining priorities assistance is optional. Persons who can get production materials without ratings should not apply for priorities assistance. A manufacturer of a Class A or a Class B product cannot use this regulation to get priorities assistance to buy production materials needed for the manufacture of a Class A or a Class B product.

(b) Definitions. For purposes of this regulation:

(1) "Unclassified product" means any product which is neither a controlled material, a Class A product, nor a Class B product, as those terms are defined in CMP Regulation No. 1.

Note: Paragraph (b) (1) amended August 28, 1943.

(2) "Production material" means, with respect to any person, material or products (including fabricated parts and subassemblies) which will be physically incorporated in his unclassified product, and includes the portion of such material normally consumed or converted into scrap in the course of processing. It also includes items purchased by a manufacturer for resale to round out his line if such items do not represent more than 10 percent of his total sales. The term "production material" does not include manufacturing equipment or maintenance, repair or operating supplies as defined in CMP Regulation No. 5.

(c) Applications for priorities assistance for production of unclassified products. Any person who produces unclassified products and needs priorities assistance to obtain production materials may file an application on Form WPB-2613 (formerly PD-870). The application must not be based on a rate of production greater than that permitted under the restrictions of existing Limitation Orders or other applicable orders or regulations of the War Production Board.

The application must show all production materials (including products to round out a line) for which priorities assistance is requested. If an applicant desires priority assistance for materials where under an order or regulation of the War Production Board specification of quality and quantity must be shown, (for example, M-328-"Textiles, Clothing, Leather and Related Products"), the applicant must describe the material on the application form in sufficient detail to meet the requirements of the order or regulations before priorities assistance will be granted.

(d) Holders of Form WPB-2613 (formerly PD-870) prohibited from extending customers' ratings. A person who has received a rating or ratings on Form WPB-2613 (formerly PD-870) for production materials for a specified product shall not extend ratings received from his customers to purchase production materials for the same product during the quarter covered by the form except that

(1) Orders calling for delivery in the same quarter which have already been rated in accordance with applicable regulations or orders of the War Production Board need not be rerated, and

(2) A rating of AAA may be extended where necessary to obtain production material actually required to fill an order rated AAA, if such material is not actually on hand, but the rating may not be extended to replace inventories.

(e) Authorized production schedules.
(1) Every assignment of rating on Form WPB-2613 (formerly PD-870) will include authorization of a production schedule for the product for which the production materials are required. The authorization will set a maximum limit of production for the quarter.

(2) No producer who has received any rating on Form WPB-2613 (formerly PD-870) shall produce the product covered by the form in an amount exceeding his authorized production schedule.

(3) A producer shall be deemed to exceed an authorized production schedule if his completion of finished products exceeds the limits authorized, or if his rate of fabricating, assembling or otherwise processing, or acquiring raw materials or parts exceeds the practicable working minimum required to meet the authorized production schedule.

(e-1) Restrictions on use of ratings. No rating assigned on form WPB-2613 (formerly PD-870) may be used to buy any production material not listed on the form, nor may it be used to buy any item shown on List A of Priorities Regulation No. 3.

(f) Miscellaneous provisions—(1) Applicability of other regulations and orders. This order and all transactions affected hereby are subject to all applicable regulations and orders of the War Production Board, as amended from time to time.

(2) Violations. Any person who wilfully violates any provision of this regulation, or who, in connection with this regulation, willfully conceals a material fact or furnishes false information to any department or agency of the United States, is guilty of a crime and upon conviction may be punished by fine up to \$10,000, or by imprisonment or both. In addition, such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.

(3) Communications to War Production Board. All applications filed hereunder, and all communications concerning this regulation, shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Ref.: Priorities Regulation No. 11B.

Issued this 28th day of August, 1943.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 43-14259; Filed, August 31, 1943; 4:51 p. m.]

No. 174---7

PART 1010—SUSPENSION ORDERS [Suspension Order S-415]

BISSETT STEEL CO.

The Bissett Steel Company is a corporation engaged in the business of maintaining and operating a steel warehouse at 945 East 67th Street, Cleveland, Ohio. In its business it receives steel from various producers and other sources for sale or re-sale in the form received and it is subject to the provisions of various orders and regulations of the War Production Board.

In filing with the War Production Board its PD-83-a application for its quota, the Bissett Steel Company wrongfully stated its deliveries from warehouse stocks during the base period as being in the amount of 860 tons whereas in fact said deliveries amounted to only 729.3 tons. This misrepresentation was in violation of Priorities Regulation No. 1 and of Supplementary Order M-21-b.

During the third and fourth quarters of 1942 and the first quarter of 1943 the Bissett Steel Company received and accepted into its warehouse stock 2640.8 tons of Schedule "A" products, as defined in Supplementary Order M-21-b in excess of its quota assigned to said periods. The actions of the company in so doing were in violation of Supplementary Order M-21-b and Priorities Regulation No. 1

The Bissett Steel Company also obtained deliveries of steel products by improperly combining orders and extending preference ratings on Form PD-83-g; by extending ratings on Form PD-83-g higher than A-1-k, for the purpose of obtaining Schedule "A" products, which ratings were received by respondent on deliveries from its warehouse stock made more than ninety days prior to the date of extension; by furnishing improper and misleading information upon prescribed forms filed by the company for the purpose of obtaining preference ratings and quotas; all of which were in violation of Priorities Regulation No. 1. Priorities Regulation No. 3 and Supplementary Order M-21-b.

The actions of the company as above described have hampered and impeded the war effort of the United States. In view of the foregoing: It is hereby ordered. That:

§ 1010.415 Suspension Order No. S-415. (a) Beginning with the effective date of this order and continuing thereafter for a period of six months the Bissett Steel Company, its successors and assigns, shall not receive into its warehouse stock general steel products as defined in General Preference Order M-21-b-1, as amended, in an amount greater than 75 tons of such products per month, unless otherwise authorized in writing by the War Production Board.

(b) For the purposes of this order the word "steel" as used herein shall bear the same meaning as defined in paragraph (b) of General Preference Order M-21-b-1, as amended, and shall include any steel purchased from idle or excess inventories pursuant to para-

graph (d) of General Preference Order M-21-b-1, as amended, the provisions of those paragraphs to the contrary notwithstanding.

(c) Nothing contained in this order shall be deemed to relieve the Bissett Steel Company, its successors or assigns from any restriction, prohibition or provision contained in any other order or regulation of the War Production Board, except insofar as the same may be inconsistent with the provisions hereof.

(d) This order shall take effect on September 1, 1943 and shall expire on February 1, 1944.

Issued this 25th day of August 1943.

WAR PRODUCTION BOARD,

By J. JOSEPH WHELAN,

Recording Secretary.

[F.R. Doc. 43-14233; Filed, September 1, 1943; 11:22 a. m.]

PART 3099—ACETIC ANHYDRIDE, ACETIC ACID AND ACETALDEHYDE

[Allocation Order 14-243, as Amended Sept. 1, 1943]

Part 3099 "Acetic Anhydride" is hereby amended to read "Acetic Anhydride, Acetic Acid and Acetaldehyde."

Section 3099.1 General Preference Order M-243 is hereby amended to read:

§ 3099.1 Allocation Order M-243—(a) Definitions. (1) "Acetic anhydride" means acetic anhydride (ethanoic anhydride) of any grade and from whatever source derived.

source derived.

(2) "Acetic acid" means acetic acid (ethanoic acid) of any grade and from whatever source derived, including recovered acetic acid. The term does not include acetic acid recirculated as such within a manufacturing process nor does it include acetic acid of less than 12% concentration (vinegar) coroduced at plants at which there are no facilities for further chemical conversion.

(3) "Recovered acetic acid" means that acid which is removed from a manufacturing process in which that acid was used as a raw material whether introduced as acetic acid or acetic anhydride, or as a solvent or any other material, excluding acetic acid which is recirculated as such within the manufacturing process. By "removed" is meant removal for resale, conversion into acetic anhydride, or use in another manufacturing process in the same plant or separate plants.

(4) "Acetaldehyde" means acetaldehyde (acetic aldehyde or ethyl aldehyde) of any grade and from whatever source derived.

(5) "Producer" means any person who produces or imports acetic anhydride, acetic acid or acetaldehyde, and includes any person who has acetic anhydride, acetic acid or acetaldehyde produced for him pursuant to toll agreement.

(6) "Distributor" means any person who buys acetic anhydride, acetic acid or acetaldehyde for purposes of resale as

such.

- (7) "Supplier" means a producer or distributor.
- (b) Restrictions on deliveries. (1) No supplier shall deliver acetic anhydride, acetic acid or acetaldehyde to any person except as specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (e) hereof.
- (2) No person shall accept delivery in any calendar month from all suppliers of more than 27,000 pounds in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, except as specifically authorized in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof. Acetic acid weight shall be calculated on a 100% acid basis.
- (3) No person shall accept delivery in any calendar month from all suppliers of 27,000 pounds or less in the aggregate of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, and no person shall place any such order for such delivery, unless and until he shall have furnished each supplier with a use certificate pursuant to paragraph (f) (2) hereof, but such certificate need not be furnished with respect to any one of the chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde where the quantity of such chemical delivered or ordered for delivery in any calendar month from all suppliers is not more than 54
- (c) Restrictions on use. (1) No supplier shall use acetic anhydride, acetic acid or acetaldehyde except as specifically authorized or directed in writing by War Production Board, in the normal case upon application filed pursuant to paragraph (f) (1) hereof.
- (2) Each person who with an order for acetic anhydride, acetic acid and acetaldehyde furnishes the certificate required by paragraph (f) (2), shall use the chemical delivered on such order only as specified in such certificate except as otherwise specifically authorized or directed in writing by War Production Board.
- (3) Acetic anhydride, acetic acid and acetaldehyde allocated for inventory shall not be used for any purpose except as specifically authorized or directed in writing by War Production Board.
- (d) General and special instructions of War Production Board. (1) Authorizations and directions as to deliveries and use to be made by suppliers and with respect to acceptance of delivery in quantities exceeding 27,000 pounds (in the case of acetic acid on a 100% basis) in-the aggregate in each month will generally be issued by War Production Board prior to the beginning of such month, but War Production Board may at any time issue special directions to any person with respect to:
- (i) Use, delivery or acceptance of delivery of acetic anhydride, acetic acid or acetaldehyde.
- (ii) Production of acetic anhydride, acetic acid or acetaldehyde.

- (2) War Production Board may issue to suppliers and other persons, other and different directions with respect to preparing and filing Forms WPB 2945 (formerly PD-602) provided for in the paragraphs (e) and (f).
- (e) Applications by suppliers for authorization to deliver. (1) Each supplier seeking authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him Form WPB 2945 (formerly PD-600) rerespecting a delivery in such month, shall file application on or before the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.
- (2) Each supplier seeking authorization to make delivery of acetic anhydride, acetic acid or acetaldehyde during any calendar month to any person who has filed with him the use certificate provided for by paragraph (f) (2) or to any person ordering not more than 54 gallons, shall file application on or be-fore the 20th of the preceding month. The application shall be made on Form WPB 2947 (formerly PD-602) in the manner set forth in the general instructions appearing on that form, subject to the special instructions appearing in Appendix A. If there is an inconsistency between the general and special instructions, the special instructions must be followed.
- (f) Applications and use certificates to be filed by prospective purchasers. (1) Each person wishing to obtain delivery in any calendar month from all sources of more than 27,000 pounds of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde (and each supplier requiring authority to use any such chemical in any calendar month regardless of quantity) shall file application on or before the 15th of the preceding month. The application shall be made on Form-WPB 2945 (formerly PD-600) in the manner set forth in the general instructions appearing on that form, subject to the special instructions contained in Appendix B. If there is an inconsistency between the general and special instructions, the special instructions must be followed.
- (2) Each person wishing to accept delivery in any calendar month from all sources of not more than 27,000 pounds (but more than 54 gallons) of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) and acetaldehyde, shall file with each supplier on or before the 15th of the preceding month a certificate stating the use for which he is ordering such chemical. Such certificate must be substantially in the form indicated in Appendix C. It need not be filed with War Production Board. A supplier must not

deliver any such chemical where he knows or has reason to believe the purchaser's certificate is false, but in the absence of such knowledge, or reason to believe, he may rely on the certificate.

- (g) Miscellaneous provisions (1) Applicability of regulations. This order and all transactions affected thereby are subject to all applicable regulations of War Production Board, as amended from time to time.
- (2) Approval of reporting requirements. Forms WPB 2945 and WPB 2947 (formerly PD-600 and PD-602 respectively) provided for in paragraphs (e) (1), (e) (2) and (f) (1), have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.
- (3) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order wilfully conceals a material fact or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistance.
- (4) Communications to War Production Board. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243.

This amended order shall take effect September 1, 1943, except that the provisions as to applications for authority to deliver, accept delivery or use during September 1943, shall take effect at once. Order M-243, issued October 20, 1942 shall continue in effect until so superseded.

Saled this 1st day of September 1943.
WAR PRODUCTION BOARD.

By J. Joseph Whelan,

Recording Secretary.

APPENDIX A—SPECIAL INSTRUCTIONS FOR SUP-PLIER'S FORM WPB 2947 (FORMERLY PD-602)

- (1) Obtaining forms. Copies of Form WPB 2947 (formerly PD-602) may be obtained at local field offices of the War Production Board.
- (2) Number of copies. Prepare an original and three copies. File original and two copies with War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243, retaining the third copy for your files. The original shall be manually signed by a duly authorized official.
- (3) Separate set of forms for each chemical. Where the supplier's application relates to deliveries of two or more of the three chemicals, he shall file a separate set of Form WPB 2947 (formerly PD-602) for each.
- (4) Information at top of form. In the heading, under "name of material" specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde"; leave "grade" blank; under "WPB Order No.", specify "M-243"; indicate month and year during which deliveries covered by the application are to be

made; under "Unit of measure", specify "pounds", except in the case of acatic acid, where indicate "pounds of 100% acetic acid"; under "Name of Company", specify your name and the address of the plant from which shipment will be made.

(5) Grade (percent) of acetic acid. In the case of proposed deliveries of acetic acid, specify grade in Column 7 (Remarks) in terms of percent of acid content.

. (6) Listing of customers. In Column 1 (except for small orders as explained in (8) below) list the name of each customer from whom an order for delivery during the applicable month has been received. List first the name of each customer who has filed with you Form WPB 2945 (formerly PD-600) in connection with his order. Thereafter, leave a space, and insert in Column 1 "Use certificate", and then list the name of each customer from whom a use certificate has been received under paragraph (f) (2) with respect to a delivery in the applicable month. Do not list names of customers who have not placed with you either Form WPB 2945 or a use certificate. If it is necessary to use more than one sheet to list customers, number each sheet in order and show separately on the last sheet the total poundage ordered by customers filing Form WPB 2945 and the total poundage ordered by customers filing use certificates.

(7) Primary product and end use. In Column 1-a, opposite the name of each customer filing a use certificate (obtained under paragraph (f) (2)), specify the product or products in the manufacture or preparation of which acetic anhydride, acetic acid (100% basis) or acetaldehyde will be used by such customer, the end use to which such product or products will be put, Army or Navy contract numbers, Lend-Lease requisition or contract numbers, and export license numbers, all as indicated on such use certificate. The quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde used in the manufacture or preparation of each primary product for each end use shall be shown separately. If the chemical ordered by a customer is for two or more uses, indicate each use separately and list the quantity ordered for each use. It is not necessary to show primary product or end use with respect to a customer filing Form WPB 2945 (formerly PD-600). Instead, in Column 1-3, opposite the name of each customer filing such Form WPB 2945, enter merely "WPB 2945.

(8) Small orders. It is not necessary to list the name of any customer to whom the supplier is to deliver in the applicable month not more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, unless such customer has filed a use certificate, nor is it necessary in the case of any such delivery to show the name of the product or end use, Instead, write in Column 1 "Total small order deliveries (estimated)" and in Column 4, specify total estimated quantity of acetic anhydride, acetic acid or acetaldehyde to be delivered on such orders.

(9) Use by producers. Each producer who has filed application on Form WPB 2945 (formerly PD-600) specifying himself as his supplier, shall list his own name as customer in Column 1 on Form WPB 2947 (formerly PD-602).

(10) Table II. Each producer shall report production, deliveries and stocks as required by Table II, Columns 9 to 16, inclusive. Dis-tributors shall fill out only Columns 10, 12, and 13. In Column 8 producers and distributors shall show, where Form WPB 2947 (formerly PD-602) relates to acetic acid, the percent of acid content or where Form WPB 2947 (formerly PD-602) relates to acetic anhydride or acetaldehyde, will leave Column 8 blank.

(11) Recovered acotto acid. In the case of recovered acetic acid show such acid ceparately from other acetic acid in Table II. necessary, use supplemental rider and attach to Form WPB 2947 (formerly PD-602).

APPENDIX B-SPECIAL INSTRUCTIONS FOR CUSTOMER'S FORM WPB 2945 (FORMERLY PD-

- (1) Obtaining forms. Copies of Form WPB 2945 (formerly PD-600) may be obtained at local field offices of the War Production Board.
- (2) Number of copies. Prepare an original and four copies. Forward original and two copies to War Production Board, Chemicals Division, Washington 25, D. C., Ref: M-243, forward one copy to the supplier with whom order is placed, and retain one copy for your files. The original shall be signed by a duly authorized official. Where the application is by a supplier for authorization to use, no copy should be sent to a producer or distributor,

(3) Separate set of forms for each chemical. A customer who wishes to obtain delivery of two or more of the three chemicals, acetic anhydride, acetic acid or acetaldehyde, must file a separate set of Form WPB 2945 (formerly PD-600) for each.

(formerly PD-600) for each.

(4) Material. In the heading under "Name of chemical", specify "Acetic anhydride", "Acetic acid" or "Acetaldehyde", as the cass may be; under "VPB Order No.", specify "N-243"; under "Unit of measure", specify "Pounds", except in the case of acetic acid, where specify "Pounds of 100; acetic acid."

(5) Month and year. In the heading, at top of Table I, specify the month and year for which deliver is requested.

for which delivery is requested.

(6) Grade (percent) of acetic acid. Leave blank Columns 1 and 11, except in the case of acetic acid where percent of acid content should be stated.

should be stated.

(7) Quantities. In the case of applications for acetic acid, indicate in Columns 2, 13 to 16, inclusive, and 18, quantities in terms of pounds of 100% acetic acid.

(8) Primary product. In Column 3, applicant must specify in terms of the following the product or products in the manufacture appropriates of which the chamicals.

facture or preparation of which the chemicals subject to this order will be used:

(For acetic anhydride)

Aspirin. Cellulose acetate. Cellulose acetate butyrate.
Cellulose acetate propionate. Explosives. Synthetic casein fibre. Synthetic vitamins. Trincetin. Other primary products (specify). Resale (as acetic anhydride). Export (as acetic anhydride) Inventory (as acetic anhydride).

(For acetic acid)

Acetic anhydride. Drugs and pharmaceuticals. Dyestuffs. Amyl acetate. Butyl acetate. Ethyl acetate. -Isopropyl acetate. Photographic products. Sodium acetate. Vinyl acetate. Other primary products (specify).
Resale (as acetic acid).
Export (as acetic acid).
Inventory (as acetic acid).

(For acetaldehyde)

Acetic acid. Butadiene. Pentaerythritol. Other primary products (specify). Resale (as acetaldehyde).

Export (as acctaldehyde). Inventory (as acctaldehyde).

(9) End use. In Column 4 (except in the cace of acetaldehyde), applicant will specify with respect to each primary product the ultimate use to which such primary product will be put in terms of the following:

Opposite any primary product listed in Column 3 which is subject to allocation, couldn't 5 which is subject to antecation, opening in Column 4 only the allocation order number (for example, "M-326" for cellulose acetate, cellulose acetate butyrate and cellulose acetate proplonate; "Order M-159" for butyl acetate; "Order M-327" for ethyl acetate and icopropyl acetate; "Order M-10" for vinyl acetate; "Order M-178" for butadiene; and "Order M-25" for pentaerythritol.

Opposite any primary product listed in Column 3 which is not under allocation, specify end use in terms of the following, giving also Army and Navy contract numbers, and Lend-Leace requisition or contract numbers when available:

Dvestuffs. Explosives. Leather tanning and processing. Mordant. Paint pigment. Photographic film. Other film (specify). Plastics. Rubber accelerators. Solvents. Surface coatings. Synthetic resins (specify type and state end use if not under allocation). Textile bleaching. Other end uses (specify).

Opposite "Export" in Column 3, specify in Column 4 the name of individual, company or governmental agency to whom or for whose account the material is to be exported, the country of destination and the governing export licence number, unless Lend-Lease, in which case merely specify the Lend-Lease regulation or contract number.

Opposite "Recale" in Column 3, distributors shall write into Column 4 "upon further authorization" or "for uncertified small orders of 54 gallons or less." In the case of small orders for acetic acid, also specify "100% basis".

Opposite "Inventory" in Column 3 specify in Column 4 "subject to further authorization".

In the case of acetaldehyde, show primary products to be manufactured but do not specify end use to which such primary products will be put.

(10) Tables II, III and IV. Fill out Tables II, III and IV completely.

(11) Table V. In Column 23, list each primary product produced in last month. In Column 24, list quantity of acetic anhydride, acetic acid (100% basis) or acetaldehyde, consumed in last month in the manufacture of each such primary product. In Column 25, list the quantity of acetic anhydride, acetic acid (160% basis) or acetaldehyde allocated to you for the manufacture of each such primary product in last month.

#### APPENDIX C-CUSTOMER'S CERTIFICATE OF INTENDED USE

The undersigned purchaser hereby certifies to War Production Board and to his supplier, pursuant to Order No. M-243, that the \_ [specify whether acetic anhydride, acetic acid or acetaldehydel ordered for delivery in \_\_ .., 194..., will be used month

by him in the manufacture or preparation of the following product(s), and that such product(s) on the basis of order(s) filed with the undersigned, will be put to the following end use(s):

Pounds Primary product End use 1 (B) Name of Purchaser

By Date. Duly Authorized Official Title <sup>1</sup> For acetaldehyde, see (5) below.

Instructions for customer's certificate

- (1) The certificate-shall be signed by an authorized official of the purchaser, either manually or as provided in Priorities Regulation No. 7.
- (2) Where a purchaser wishes to receive from all sources more than 54 gallons of any one of the three chemicals, acetic anhydride, acetic acid (100% basis) or acetaldehyde, a separate certificate shall be filed as to each.
- (3) The purchaser will specify under "Primary product", the exact product or products in the manufacture or preparation of which the acetic anhydride, acetic acid or ~ acetaldehyde will be used or incorporated. Primary products should be stated in terms of the primary products listed in paragraph (8) of Appendix B.
- (4) Under "End use" (except as provided in paragraph (5)) purchaser will specify the ultimate or end use to which the primary product will be put in terms of the end uses stated in paragraph (9) of Appendix B. He will also indicate whether civilian, Lend-Lease, other export or military, and if the product is for uses falling in two or more such categories, the percentage falling in each. Also, indicate contract numbers in the case of military use, requisition or contract numbers in the case of Lend-Lease, and in the case of other export, export license numbers. A distributor ordering acetic anhydride, acetic acid or acetaldehyde for re-sale as such will leave blank the "End use"
- (5) Purchasers ordering acetaldehyde will leave blank the column headed "End use".

[F. R. Doc. 43-14289; Filed, September 1, 1943; 11:20 a. m.]

PART 3175-REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Amdt. 3 to CMP Reg. 1, as Amended May 28, 1943]

Section 3175.1 (CMP Regulation No. 1) is amended as follows:

(1) Schedule III is amended as follows: Amend the item "Steel castings" to read as follows:

Carbon steel castings (providing patterns are

available):\* Weight per casting: Days 500 pounds and under\_\_ 45 Over 500 pounds to 5,000 pounds\_\_\_\_ 60 Over 5,000 pounds to 30,000 pounds\_\_ Over 30,000 pounds\_\_\_\_\_\_\_90
Alloy steel castings (providing patterns are available):\* Weight per casting: 500 pounds and under\_. 60

Over 500 pounds to 5,000 pounds.... Over 5,000 pounds to 30,000 pounds... Over 30,000 pounds... 75 90 \*Patterns are to be considered "available"

only after they have been received at the foundry, checked, rigged for production, and sample castings have been approved.

(2) Schedule IV is amended by adding the item, "Castings as established by each foundry, but in no case in excess of\_\_\_\_\_
5 net tons," after the item Tool steel.

Issued this 1st day of September 1943. WAR PRODUCTION BOARD.

By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 43-14292; Filed, September 1, 1943; 11:20 a. m.]

PART 3175—REGULATIONS APPLICABLE TO THE CONTROLLED MATERIALS PLAN

[Direction 25 to CMP Regulation 1]

FORGINGS IN CONTROLLED MATERIAL FORM

The following direction is hereby issued pursuant to CMP Regulation No. 1 (§ 3175.1):

The following rules apply to steel products which are produced in controlled material

form by a forging process:'(1) When sold by a steel producer, they are controlled materials.1

(2) When sold by a forger who is not a steel producer, they are Class A products.

(3) When sold by a distributor, they are controlled materials, regardless of who produced them duced them.

(4) In ordering them, a warehouse must use Form WPB-2444 (CMP-11), regardless of whether the order is placed with a steel producer or with a forger who is not a steel producer.

(5) A forger who is not a steel producer may place orders for the steel required by him to fill orders actually received from a warehouse in accordance with paragraph (4) above or to replace inventory used for such purpose. The forger's orders must be identified by the allotment symbol "W. H." and shall be considered authorized controlled material orders.

Issued this 1st day of September 1943. WAR PRODUCTION BOARD, By J. JOSEPH WHELAN. Recording Secretary.

[F. R. Doc. 43-14291; Filed, September 1, 1943; 11:20 a. m.]

PART 3286—MISCELLANEOUS MINERALS 2 [Conservation Order M-95 as Amended Sept. 1, 1943]

### RHODIUM

Whereas national defense requirements will create a shortage of rhodium for the combined needs of defense and private account, and the supply of rhodium will be insufficient for defense and essential civilian requirements unless the supply of rhodium is conserved and its use in the manufacture of jewelry is prohibited; and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of rhodium:

Now, therefore, it is hereby ordered, That:

§ 3286.21 2 Conservation Order M-95-(a) Prohibition of use of rhodium in the electroplating of jewelry. (1) Prohibition against sale. After March 11, 1942

<sup>2</sup> Formerly Part 1098, § 1098.1.

no person shall sell or deliver rhodium salts, or solutions thereof, to any other person for use in the electroplating or deposition of rhodium upon articles of jewelry.

(2) Prohibition against purchase. After March 11, 1942 no person shall purchase or receive from any other person any rhodium salts, or solutions thereof, for use in the electroplating or deposition of rhodium upon articles of jewelry.

(3) Prohibition against use. After March 11, 1942 no person shall electroplate or deposit rhodium upon articles of jewelry unless such use has been specifically authorized by the War Production Board.

(b) Prohibitions on the use of rhodium in the manufacture of jewelry. (1) Prohibition against sale. After April 17, 1942 no person shall sell or deliver (including deliveries under toll agreements) rhodium or rhodium alloys to any other

person for use in the manufacture of jewelry.

(2) Prohibition against purchase. After April 17, 1942 no person shall purchase or receive (including receipts under toll agreements) from any other person any rhodium or rhodium alloys for use in the manufacture of jewelry.

(3) Prohibition against use. After April 17, 1942 no person shall use rhodium or rhodium alloys in the manufacture of jewelry unless such use has been specifically authorized by the War Production Board.

(c) Miscellaneous provisions—(1) Applicability of Priorities Regulation 1. This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) Appeal. Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of rhodium conserved, or that compliance with this order would disrupt or impair a program of conversion from nondefense to defense work, may appeal -to the War Production Board setting forth the pertinent facts and the reasons he considers he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(3) Applicability of order. The prohlbitions and restrictions contained in this order shall apply to the use of material in all articles manufactured after March 11, 1942, or April 17, 1942 as the case may be, irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the applicable date, or pursuant to a contract supported by a preference rating. Insofar as any other order may have the effect of limiting or curtailing to a greater extent than herein provided, the use of rhodium in the production of any article, the limitation of such other order shall be observed.

<sup>&</sup>lt;sup>1</sup> Forged armor plate, however, is always an A product, as set forth in Direction No. 10 to CMP Regulation No. 1.

- (4) Violations. Any person who wilfully violates any provision of this order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).
- (5) Reports. Every person affected by this order shall file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe, subject to the approval of the Bureau of the Budget, pursuant to the Federal Reports Act of 1942.
- (6) Correspondence and communications. All reports to be filed, appeals and other communications concerning this order should be addressed to War Production Board, Washington 25, D. C. Ref.: M-95.
- (7) Definitions. For the purpose of this order:
- (i) "Rhodium salt" means any compound of the metal rhodium.

(ii) "Solution" means any homogeneous liquid containing rhodium salts.

(iii) "Electroplating or deposition" means any method, electrolytic or otherwise, whereby rhodium may be plated

upon a metallic surface.

(iv) "Electroplate or deposit" means any method, electrolytic or otherwise, whereby rhodium may be plated upon a metallic surface.

(v) "Jewelry" means any ornamental article or accessory of personal adornment, whether incompletely or com-pletely manufactured, and including rings, settings, mountings, blanks, findings, pins, brooches, bracelets, initials, tie-pins, collar pins, atomizers (except medical), cosmetic containers, lighters, napkin rings, picture frames, smokers, accessories, souvenirs, or any other similar ware and ornaments.

(vi) "Rhodium" means rhodium metal in any form including primary, secon-

dary and scrap.

(vii) "Rhodium alloy" means any mixture of metals containing more than 1/10 of 1% of rhodium in the form of sheet, wire, or semi-finished findings, or in any other form, including primary, secondary and scrap:

(d) Effective date. This order shall take effect on the 11th day of March, 1942, and shall continue in effect until revoked by the War Production Board.

Issued this 1st day of September 1943.

WAR PRODUCTION BOARD. By J. JOSEPH WHELAN, Recording Secretary.

INTERPRETATION 1

JEWELRY

The term "Jewelry" as used and defined in said order includes silver deposit glassware. (Issued May 21,º 1942.)

[F. R. Doc. 43-14290; Filed, September 1, 1943; 11:20 a. m.]

PART 3293 1-CHEMICALS

(Allocation Order M-303 as Amended Sept. 1, 19431

#### VULCANIZED FIERE

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of vulcanized fibre for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest, and to promote the national defense.

- 3293.411 Allocation Order M-305-(a) Definitions. For the purpose of this
- order:
  (1) "Vulcanized fibre" means the chemically converted and hardened cellulose material commonly designated "vulcanized fibre" or "hard vulcanized fibre", usually prepared by treating cotton rag or alpha cellulose paper with zinc chloride which is subsequently leached out of the resulting mass.

(2) "Producer" means any person who

produces vulcanized fibre.
(3) "Fabricate" means to perform any machining or forming operation on vulcanized fibre.

(b) Restrictions on use and delivery of vulcanized fibre. (1) On and after April 22, 1943, no producer shall fabricate or deliver vulcanized fibre, except as specifically authorized by the War Production Board upon application pur-

suant to paragraph (g).

- (2) On and after April 22, 1943, no fabricator or distributor under common ownership and control with any producer shall fabricate or deliver vulcanized fibre, except for uses approved by the War Production Board upon application by such producer pursuant to paragraph (g). Such application shall be based upon descriptions of proposed ultimate uses furnished to the producer by such fabricator or distributor with respect to vulcanized fibre in the inventory of, or to be delivered by the producer to such fabricator or distributor. Any such fabricators, distributors and producers under common ownership and control may make intra-company deliveries of vulcanized fibre between each other without specific authorization, notwithstanding the provisions of § 944.12 (Intra-company Deliveries) of Priorities Regulation No. 1, as amended.
- (3) Each person furnishing a certified description of ultimate use with an order for vulcanized fibre pursuant to paragraph (f) shall use the vulcanized fibre delivered on such order only for the purpose specified in such certificate, except as otherwise specifically authorized by the War Production Board.
- '(4) The War Production Board at its discretion may at any time issue special directions to any person with respect to use, fabrication, delivery or acceptance of delivery of vulcanized fibre, or with respect to disposition of vulcanized fibre in process or of finished vulcanized fibre in inventory.

- (c) Inventory restrictions. Vulcanized fibre is subject to the practicable minimum working inventory restriction of § 944.14 of Priorities Regulation No. 1, as amended.
- (d) Color restriction. On and after April 30, 1943, no producer shall put in process vulcanized fibre of other than natural gray color if such vulcanized fibre is to be finished as sheets of one inch or greater thickness, except as specifically authorized by the War Production Board.
- (e) Exemption for deliveries to a producer. Any person may deliver vulcanized fibre to a producer without specific authorization or certification.

(f) Certification of ultimate use. (1) Certified description of ultimate use of vulcanized fibre shall be furnished to the producer as follows:

The person who fabricates or incorporates vulcanized fibre into an item of definable consumer use shall furnish the producer of vulcanized fibre with a certified description of the ultimate use to which such vulcanized fibre will be put. In those cases where such person purchases from any person not a producer of vulcanized fibre, such certified description of ultimate use may be transmitted through such intermediaries as may exist, to said producer. Such intermediate fabricators or suppliers shall transmit such certified descriptions of ultimate use either by transmitting the original customers' certificates or by transmitting new certificates signed by the fabricator or supplier containing the customers' ultimate use descriptions without change.

For example, a formed piece for a welder's helmet, which obviously could be used only for that purpose, would be an item of definable consumer use. The fabricator ordering vulcanized fibre for such piece would furnish with his order a certified description of ultimate use. On the other hand, the purchaser of the piece from the fabricator would not have to file a certified description of ultimate use with his order for such piece, because the fabricator could determine the use unaided. However, in the case of a machinery manufacturer ordering a vulcanized fibre punched part, the use of which could not be determined by inspection, a certified description of the ultimate use of such punched part should be furnished by the manufacturer to the fabricator of the part.

No department or agency of the United States Government ordering vulcanized fibre pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), shall be required to furnish a certified description of ultimate use pursuant to this order. The prime contracting seller holding a Lend-Lease order. for the purpose of his PD-602 application (if he is a producer), or for the purpose of furnishing a certified description of ultimate use, shall specify the Lend-Lease contract or serial number without

further end use description.

<sup>&</sup>lt;sup>1</sup>Formerly Part 3227, § 3227.1.

(2) Certified description of ultimate use may be placed on or attached to the purchaser's purchase order and shall be in substantially the following form:

#### (Description of ultimate use)

The undersigned hereby certifies that the vulcanized fibre (or products made there-from) covered by the accompanying purchase order will be used solely for the purpose(s) listed above, and that he is famillar with the inventory restriction imposed by Order M-305.

Name of customer

Βv Signature of authorized official Date

The above certificate shall constitute a representation to (but shall not be filed with) the War Production Board, and may be signed manually or as provided in Priorities Regulation No. 7.

(3) The description of ultimate use provided for in paragraph (f) (2) hereof shall be sufficiently specific to enable the producer to indicate product use and function on his application for authorization to deliver vulcanized fibre. Authorization to deliver vulcanized fibre will be based on the essentiality of the specific use to which each item of vulcanized fibre is to be put. It is, therefore, essential that information with respect to the ultimate use and function be as precise as possible.

In connection with usages of secondary essentiality, a statement justifying the use of vulcanized fibre rather than some other material should accompany the certified description of ultimate use, if applications for such uses are to be given full consideration without undue delay.

In the case of confidential or secret items for the Armed Services, the part number, contract number, and the name and location of the contracting agency shall be transmitted in lieu of a description of ultimate use.

- (4) Any producer, fabricator or other supplier may accept and rely upon any certified description of ultimate use furnished pursuant to this paragraph (f) unless he knows or has reason to believe it to be false.
- (5) Where one or more partial deliveries are made against a single order, the original certified description of ultimate use shall suffice for all such deliveries.
- (6) In the event that two or more end uses are involved in a single purchase order, the amount of vulcanized fibre required for each use shall be listed as a separate item. Each item shall bear an identifying number so that it will be possible for the producer to advise his customers, by purchase order number and item number, as to the action taken on the producer's application for authorization to make delivery.
- (7) Each producer and other supplier shall notify his customer as soon as possible of denial, in whole or in part, by the War Production Board of any item or items for which application has been made by such customer:
- (8) Notwithstanding the provisions of Priorities Regulation No. 1, no producer, fabricator or other supplier shall accept or fill any order for vulcanized fibre from a purchaser required by this paragraph

(f) to file a certified description of ultimate use, unless and until such purchaser shall file such certificate with him, and such order shall have been approved by the War Production Board in the manner provided in this order.

(9) In cases where vulcanized fibre is purchased for a prospective use which does not materialize, the purchaser shall not use the vulcanized fibre so obtained for other use without authorization of the War Production Board.

Application for such authorization may be made by letter in triplicate directed to the War Production Board, Chemicals Division, Washington 25, D. C. Ref. M-305, setting forth the material facts.

Note: Paragraph (f) (9) amended by deleting last sentence, and certificate, Sept. 1, 1943.

(g) Applications and reports. Each producer seeking authorization to fabricate or deliver vulcanized fibre shall file application on Form PD-602 in the manner prescribed therein, subject to the following instructions for the purpose of this order:

Form PD-602. Copies of Form PD-602 may be obtained at local field offices of the War Production Board.

Time. Application on Form PD-602 may be made at any time, but not less often than once in each calendar month.

Number of copies. Four copies shall be prepared, of which one shall be retained by the applicant and three certified copies shall be forwarded to the War Production Board, Chemicals Division, Washington 25, D. C., Ref. M-305.

Number of sets. Any group of producing units under common ownership or control may file a consolidated set of PD-602 forms, regardless of location of plant(s).

Heading. Under name of material, specify vulcanized fibre; leave grade space blank; under War Production Board order number, specify M-305; leave the delivery month blank; under unit of measure, specify pounds net; and otherwise fill in as indicated, disregarding instruction to file a separate form for each plant or warehouse.

Table I. List all orders received since filing the previous PD-602, as follows: Column 1. List customers' names.

Column 1a. Show end use based on customer's or fabricator's certificate.

Column 4. Show total amount of each order in pounds.

Column 5. Show proposed monthly de-livery, and in parentheses indicate how many monthly deliveries. Leave blank if such delivery schedule has not been determined.

Column 5a. Show whether sheets, rods or tubes. For this purpose the use of abbreviations will be permitted in accordance with the following:

"S"\_\_\_\_\_ "R"\_\_\_\_\_Rods. «T"\_\_\_\_ \_\_\_ Tubes.

Column 6. Leave blank. Column 7. Show producer's mill order number.

Rolling stock. Leave blank the columns at the end of Table I referring to hopper cars and tank cars required.

Table II. Fill in Columns 9, 11, 12, 14, and 15, and leave the other columns blank. Total net poundage ready for shipment shall be reported for the purpose of Table II.

Table II shall be filled out on only one set of applications per month, which shall be filed by each producer on or before the 20th day of each month.

(2) Receipt by a producer from the War Production Board of Form PD-602 signed by the War Production Board shall constitute authorization to such producer to deliver (after necessary fabrication) the quantity of vulcanized fibre to the persons and for the end uses indicated therein, without regard to the limitation in such authorization that "such authorization as to any one customer shall terminate automatically if he requires you to postpone authorized delivery beyond ten days after the close of the month for which allocated, or if he fails to place an order for such material before the end of such month.'

(3) The War Production Board may require each person affected by this order to file such other reports as may be prescribed, subject to the approval of the Bureau of the Budget pursuant to the Federal Reports Act of 1942, and may issue special directions to any such person with respect to preparing and filing Form PD-602 or certificates required by paragraph (f).

(h) Notification of customers. Each producer and fabricator is requested to notify his regular customers as soon as possible of the requirements of this order and of all amendments hereto, but failure to receive such notice shall not excuse any person from complying with the terms hereof.

(i) Miscellaneous provisions—(1) Applicability of regulations. This order and all transactions affected hereby are subject to all applicable War Production Board regulations, as amended from time to time.

(2) Violations. Any person who wilfully violates any provision of this order, or who, in connection with this order, wilfully conceals a material fact, or furnishes false information to any department or agency of the United States is guilty of a crime, and upon conviction may be punished by fine or imprisonment. In addition, any such person may be prohibited from making or obtaining further deliveries of, or from processing or using, material under priority control and may be deprived of priorities assistancė.

(3) Communications to War Production Board. All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to: War Production Board, Chemicals Division, Washington 25, D. C., Ref. M-305.

Issued this 1st day of September 1943,

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 43-14293; Filed, September 1, 1943; 11:21 a. m.]

Subchapter C-Director, Office of War Utilities PART 4500-POWER

[Supplementary Utilities Order U-1-0 as Amended Sept. 1, 1943]

ELECTRIC, GAS, WATER AND STEAM UTILITIES: MATERIALS

§ 4500.4 Supplementary Utilities Order U-1-c-Connections to serve farm production equipment. Notwithstanding the provisions of paragraph (h) (1) of Utilities Order U-1, electric service connections may be made by producers to permit the operation of farm production equipment: Provided, That all of the following conditions are satisfied:

(a) The prospective consumer possesses one of the following types of electric farm equipment of sufficient capacity for the use contemplated, or can obtain such equipment without priorities assistance, or a preference rating of AA-5 or better has been assigned to deliveries of such equipment to him:

- (1) Water pump for livestock.
- (2) Milking machine.
- (3) Milk cooler.
- 4) Incubator.
- (5) Brooder.
- (6) Feed grinder.(7) Milk sterilizer.
- (b) There is no other means of operating such equipment on the premises.
- (c) The length of such connection will not exceed 100 feet per animal unit determined in accordance with Schedule I annexed hereto, and will not exceed 5,000 feet total length, except upon specific authorization from the Director, Office of War Utilities.
- (d' The prospective consumer will use electric service to operate equipment for farm production, and has livestock on hand which, together with his estimated production of livestock for market, aggregates not less than 5 animal units, determined in accordance with Schedule I annexed hereto.
- (e) Primary lines are single phase and are constructed of:
  - (1) No. 6 galvanized steel wire, or
- (2) To the extent that it is available in the excess inventory of any producer,
  - (i) Copper-covered steel wire,
- (ii) Any composite-type conductor consisting of one or more strands of aluminum or copper wire stranded with one or more strands of steel wire (bare, galvanized, or copper-coated), having conductivity equal to or less than that of No. 4 copper conductor, or
- (3) Any conductor having conductivity equal to or less than that of No. 6 copper conductor, which, after March 24, 1943, is salvaged from plant.
- (f) Secondary lines and services require:
- (1) Not more than 30 pounds of nonferrous metal in case a service transformer is installed as part of the construction, or
- (2) Not more than 55 pounds of nonferrous metal in case service will be rendered by an extension of secondary from a transformer-already installed and in service.
- (g) The prospective consumer's application for service is accompanied by a certification from his USDA County War Board in substantially the following form:

(To the Utility Addressed):

Mr. \_\_\_\_, who has livestock on hand which, together with estimated production of livestock for market, aggregates not less than five animal units, is eligible for an electric connection of feet under the terms of Supplementary Utilities Order U-1-c. In the opinion of this USDA County War Board this connection will result in a substantial increase in farm production, or a substantial caving of farm labor, and is in accord with the spirit, as well as the letter, of Supplementary Utilities Order U-1-c.

# (For USDA County War Board)

(h) The cost of the producer's utility service connection is less than \$1500 in the case of underground construction or \$500 in the case of other construction.

(i) No other producer can render the same service with less use of critical material.

(Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 1st day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAM,

Recording Secretary.

SCHEDULE I-EQUIVALENT ANIMAL UNITS

A. Livestock on hand:

1 milk cow\_\_\_\_\_ One unit.
10 beef cattle (all cattle, including calves, other than milk

cows and cattle in feed lot) One unit.

30 breeding ewes One unit.

3 brood sows One unit.

75 laying hens One unit.

40 turkeys or geese One unit.

20 cattle (in feed lot) per year... One unit.
160 lambs (in feed lot) per year... One unit.
30 feeder pigs per year... One unit.
250 chickens (not broilers) per year... One unit.

600 chickens (brollers) per year. One unit. 125 turkeys or geece per year.... One unit.

[F. R. Doc. 43-14294; Filed, September 1, 1943; 11:19 a. m.]

Part 4500—Power

[Supplémentary Utilities Order U-1-g]

ELECTRIC, GAS, WATER, AND STEALI UTILITIES—MATERIALS

§ 4500.8 Supplementary Utilities Order U-1-g, Permission to build temporary extensions. Notwithstanding the provisions of paragraph (h) (1) of Utilities Order U-1, temporary electric, gas, water, and central steam heating extensions may be built by producers to serve temporary construction equipment or temporary business, civic or recreational facilities when all of the following conditions are satisfied:

(a) The cost of material for such utility extensions is less than \$1,500 in the case of underground construction, or \$500 in the case of other construction,

(b) Such extensions will be dismantled at the expiration of ninety days from date of installation and all material salvaged and returned to inventory, (c) No other producer can render temporary service with less critical material. (Sec. 2 (a), 54 Stat. 676, as amended by 55 Stat. 236 and 56 Stat. 176; E.O. 9024, 7 F.R. 329; E.O. 9125, 7 F.R. 2719; W.P.B. Reg. 1 as amended March 24, 1943, 8 F.R. 3666; Pri. Reg. 1 as amended May 15, 1943, 8 F.R. 6727)

Issued this 1st day of September 1943.

WAR PRODUCTION BOARD,
By J. JOSEPH WHELAN,

Recording Secretary.

[F.R.Doc. 43-14235; Filed, September 1, 1943; 11:19 a. m.]

Chapter XI—Office of Price Administration

PART 1305—Administration [Supp. Order 52]

EXEMPTION FROM PRICE CONTROL OF CERTAIN COMMODITIES AND SERVICES SOLD BY RAIL-ROADS

A statement of the considerations involved in the issuance of this supplementary order has been issued simultaneously herewith and has been filed with the Division of the Federal Register.\*

For the reasons set forth in that statement and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Order 9250, It is hereby ordered, That:

§ 1305.77 Exemption from price control of certain commodities and services when sold or performed by one railroad or car owner to or for another railroad or car owner pursuant to the code of rules of the Association of American Railroads for the interchange of traffic. (a) No price regulation of the Office of Price Administration shall apply to sales or deliveries of any commodity or service necessitated by the Association of American Railroads Code of Rules governing the condition of, and repairs to, freight and passenger cars for the interchange of traffic when sold, delivered, or performed by a railroad or car owner which is a party to the freight and passenger car interchange rules agreement of the Association of American Railroads in effect at the time of such sale, delivery, or performance.

(b) As used in this order, "price regulation" means a price schedule effective in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942, as amended, a maximum price regulation, or temporary maximum price regulation heretofore or hereafter issued, or any amendment or supplement thereto or order thereunder heretofore or hereafter issued.

This supplementary order shall become effective September 6, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of August 1943.

CHESTER BOWLES, Acting Administrator.

[F. R. Doc. 43-14255; Filed, August 31, 1943; 2:57 p. m.]

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

PART 1347-PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PROD-UCTS, PRINTING AND PUBLISHING -

#### [MPR 464]

PULPWOOD CUT FROM THE STUMP IN THE STATES OF MARYLAND, WEST VIRGINIA, PENNSYLVANIA AND OHIO

' In the judgment of the Price Administrator, it is necessary and proper to establish maximum prices for pulpwood cut from the stump in the States of Maryland, West Virginia, Pennsylvania and Ohio.

A statement of the considerations involved in the issuance of this regulation has been issued simultaneously herewith and filed with the Division of the Federal

Register.\* In the judgment of the Price Administrator, the maximum prices established by this regulation are and will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942, as amended, and of Executive Orders Nos. 9250 and 9328. So far as practicable, the Price Administrator has advised and consulted with members of the industry which will be affected by this regulation. Such specifications and standards as are used in this regulation were, prior to such use, in general use in the trade or industry affected or have previously been promulgated and their use lawfully required by another government agency.

§ 1347.802 Maximum prices for pulpwood cut from the stump in the states of Maryland, West Virginia, Pennsylvania and Ohio. Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, as amended, and Executive Orders Nos. 9250 and 9328, Maximum Price Regulation No. 464 (Pulpwood cut from the stump in the States of Maryland, West Virginia, Pennsylvania and Ohio) which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1347.802 issued under Pub. Laws 421 and 729, 77th Cong., Pub. Laws 151, 78th Cong., E.O. 9250, 7 F.R. 7871; E.O. 9323, 8 F.R. 4681.

MAXIMUM PRICE REGULATION No. 464-Pulp-WOOD CUT FROM THE STUMP IN THE STATES of Maryland, West Virginia, Pennsylvania AND OHIO

# CONTENTS

- 1. Definitions.
- 2. Prohibitions.
- 3. Maximum prices for pulpwood cut from the stump in the States of Maryland, West Virginia, Pennsylvania and Ohio.
- 4. Less than maximum prices.
- 5. Evasion.
- 6. Enforcement.
- Amendments.
- 8. Adjustable pricing.

SECTION 1. Definitions. (a) When used herein the term:

(1) "Person" means an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representatives of any of the foregoing, and includes the United States, or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Mill" means a paper mill, board mill, pulp mill or similar consumer of pulpwood:

(3) "Pulpwood" means any wood sold for manufacture into woodpulp;

(4) "Cord" means the unit by cubic feet or feet board measure, in which any particular seller made deliveries of, or had in contracts for the delivery of pulpwood in the period June 13, 1943 to June 18, 1943;

(5) "Sale" or "sell" includes any sale, delivery or transfer of pulpwood, and any contract or agreement to do any

of the foregoing;
(6) "Roadside" means the side of a public highway maintained by Federal, state or county authority;

(7) "Prior to the period June 13, 1943 to June 18, 1943" means the six months prior to June 13, 1943.

SEC. 2. Prohibitions. (a) On and after August 30, 1943, regardless of any contract or arrangement of any kind to the contrary notwithstanding, no person shall sell or deliver pulpwood cut from the stump in the States of Maryland, West Virginia, Pennsylvania and Ohio, and no person shall buy or receive such pulpwood in the course of trade or business at prices in excess of those set forth in section 3 below.

(b) No person shall agree, offer, solicit, or attempt to do any of the fore-

going.

SEC. 3. Maximum Prices for pulpwood cut from the stump in the States of -Maryland, West Virginia, Pennsylvania and Ohio. (a) A seller's maximum price per cord for pulpwood cut from the stump in the States of Maryland, West Virginia, Pennsylvania and Ohio shall be the highest price which he charged per cord for deliveries in or prior to the period June 13, 1943 to June 18, 1943 or the highest price which he had charged in a firm contract existing during that period, even though the contract called for later delivery. Maximum prices are established on the basis of the types of delivery points listed below in this paragraph. (A delivery point means a point at which the price is set.) The maximum price at any one of the delivery points becomes the seller's maximum price for all deliveries at a similar point to all buyers, whether or not delivery in that particular way was previously made to that buyer. The types of delivery points are as follows:

Delivered millyard. F. O. B. or f. a. s! railway cars. F. O. B. or f. a. s. trucks.

F. O. B. or f. a. s. vessel.

At a roadside.

(b) If a seller made no such deliveries of or had no such contracts for

deliveries for the same kind of pulpwood at one or more of said points in or prior to said period, then his maximum price at such point or points shall be the highest price at which he made a delivery or had a contract at another of the points mentioned above, less the actual transportation and loading costs incurred by him in moving the wood from the roadside to the delivery point involved in such highest priced delivery, and plus the actual transportation and loading costs he will incur in the delivery which he wishes to make. seller's maximum price thus established shall thereafter be his maximum price for all deliveries to the same type of pricing point.

(c) If a seller cannot determine his maximum prices under paragraphs (a) or (b) of this section, he shall communicate this fact to the nearest regional office of the Office of Price Administration, together with a statement of the reasons why he cannot ascertain his said maximum price. Such regional office of the Office of Price Administration shall thereupon assist the seller to ascertain his maximum price under paragraphs (a) or (b) or, if this cannot be done, will proceed to establish a maximum price for such seller, which price shall be a price in line with prices generally prevailing in the period June 13, 1943, to June 18, 1943, and in line with the prices paid by the seller's prospective buyers in said period or in the nearest five-day period thereto in which said buyers received deliveries of wood.

. Sec. 4. Less than maximum prices. Lower prices than those established by this regulation may be charged, de-

manded, paid or offered.

SEC. 5. Evasion. The price limitations set forth in this regulation shall not be evaded whether by direct or indirect methods, in connection with any offer, solicitation, agreement, delivery, pur-chase or receipt of or relating to pulpwood, alone or in connection with any other commodity, or by way of commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement, or other trade understanding, or otherwise.

SEC. 6. Enforcement. Persons violating any provision of this regulation are subject to the criminal penalties, civil enforcement actions, suits for treble damages and proceedings for suspension of licenses as provided by the Emergency Price Control Act of 1942, as amended.

Sec. 7. Amendments. Any person seeking an amendment of any provision of this regulation may file a petition for amendment in accordance with the provisions of Revised Procedural Regulation No. 1.2

SEC. 8. Adjustable printing. Any person may offer or agree to adjust or flx prices to or at prices not in excess of the maximum prices in effect at the time of delivery. In appropriate situations where a petition for amendment requires extended consideration, the Price Administrator may, upon application, grant permission to agree to adjust prices upon

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>1&</sup>quot;Woodpulp" includes any pulped fibre material which has been produced either mechanically or chemically from any fibrous cellulose raw material and from which, by a suitable process of manufacture, paper, paperboard, rayon, nitrocellulose, plastics, and any related products can be made, and also siderun paper or paperboard in rolls when sold for manufacture into any of the aforesaid paper products, or any related products.

<sup>27</sup> F. R. 8961, 8 F.R. 3313, 3533, 6173, 11806.

deliveries made during the pendency of the petition in accordance with the disposition of the petition.

This Maximum Price Regulation No. 464 shall become effective on August 30.

Issued this 30th day of August 1943.

CHESTER BOWLES. Acting Administrator.

[F. R. Doc. 43-14201; Filed, August 30, 1943; 5:00 p. m.]

PART 1351-FOOD AND FOOD PRODUCTS [MPR 444, Amdt. 2]

COTTONSEED OIL MEAL, CAKE, SIZED CAKE AND\_ PELLETS; AND COTTONSEED HULLS AND HULL BRAN

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 444 is amended in the following respects:

- 1. Section 3 is amended by deleting the definition of "North-South dividing line".
- 2. Section 4 (g) is amended to read as follows:
- (g) The foregoing maximum prices shall be increased for a sale and delivery of any cottonseed oil meal, cake, sized cake or pellets by a processor at any point other than the plant where produced by transportation charges from said production plant to such point by a usual route and method of transporta-
- Section 4a is added to read as follows:

Sec. 4a Contracts entered into on and between July 31, 1943, and September 6, 1943. Notwithstanding any other provision of this regulation, contracts entered into on and between July 31, 1943, and September 6, 1943, for the sale of cottonseed oil meal, cake, sized cake or pellets, and which comply with the provisions of the maximum price regulation on cottonseed oil meal, cake, sized cake and pellets in effect on and between said dates, may be performed in accordance with such provisions.

This amendment shall become effective September 6, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328. 8 F.R. 4681).

Issued this 31st day of August 1943.

CHESTER BOWLES, Acting Administrator.

[F. R. Doc. 43-14253; Filed, August 31, 1943; 2:56 p. ma]

> PART 1361-FARM EQUIPMENT [MPR 133,1 Amdt. 6]

RETAIL PRICES FOR FARM EQUIPMENT-

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith. has been filed with the Division of the Federal Register.\*

Maximum Price Regulation 133 is amended in the following respects:

- 1. Section 1361.1 (a) is amended to read as follows:
- (a) On and after May 11, 1942, regardless of any contract, agreement, lease or other obligation:
- (1) No person shall sell, deliver or negotiate the sale of any farm equipment at a price higher than the maximum fixed by this regulation;
- (2) No person in the course of trade or business shall buy or receive any farm equipment at a price higher than the maximum fixed by this regulation; and
- (3) No person shall agree, offer, solicit or attempt to do any of the foregoing.
- 2. Section 1361.3 (c) is amended to read as follows:
- (c) New complete equipment and parts without suggested retail prices—(1) Applicability of this paragraph. This paragraph is applicable to any new complete farm equipment or part for which the manufacturer has not issued a suggested retail price.
- (2) Where the dealer dealt in the item on April 1, 1942—(i) Where the cost to the dealer has not increased. The maximum price shall be the highest price at which the dealer sold or offered to sell the item on April 1, 1942.
- (ii) Where the cost to the dealer has increased. If when the dealer established the price he was charging on April 1, 1942, his cost was lower than it now is, the maximum price shall be determined as follows: The dealer shall multiply the highest price at which he sold or offered to sell the item on April 1, 1942, by a certain percentage. This percentage shall be determined by dividing his present cost of the item (not to exceed the applicable maximum price) by the price he was paying for the item on the date on which he established his April 1, 1942, selling price.
- (3) Where the item was not dealt in on April 1, 1942. If the dealer did not sell or offer to sell the item on April 1. 1942, its maximum price shall be determined as follows: The maximum price shall be the net cost of the item to the dealer plus a certain percentage of that price. The percentage markup used shall be the first of the following percentages that the dealer can determine:
- (i) The percentage markup over net invoiced cost that the dealer realized on his last sale of the item before April 1, 1942.
- (ii) The percentage markup over net invoiced cost that the dealer realized on his last sale of the most comparable item during the period January 1, 1941, to April 1, 1942, inclusive.
- (iii) The average percentage markup over net invoiced cost that the dealer realized on sales of all farm equipment and parts during March, 1942.
- 3. Section 1361.3a is amended to read as follows:

§ 1361.3a Maximum prices for used equipment—(a) Applicability of this section. This section is applicable to sales by all persons of the following items of used farm equipment:

- (1) Combines.
- (2) Corn binders. (3) Corn pickers.
- (4) Farm tractors (except crawler tractors).
- (5) Hay balers (motor or tractor opcrated).
  - (6) Hay loaders.

  - (7) Monure spreaders.(8) Sido delivery raties.
- (9) A combination of any of the items just listed with other items of farm equipment specifically designed for mounting thercon, where the combination is sold as a

This section is also applicable to sales by retail dealers of any complete item of used farm equipment. This section is not applicable to sales of used farm equipment parts.

- (b) Maximum prices for sales by farmers, auctioneers, etc. The maximum price for a sale by a person, other than a retail dealer, of any item listed in subparagraphs (1) to (8), inclusive, of paragraph (a), shall be determined as follows: If the item is sold within one year after sale new, the maximum price shall be 85% of the "base price". In any other case, the maximum price shall be 70% of the "base price". In the case of a combination sale referred to in paragraph (a) (9), the maximum price for the combination shall be equal to the sum of the maximum prices of each of the items of farm equipment sold as a part of the combination. These maximum prices shall be determined in the manner just set forth.
- (1) Base price. The "base price" which must be used in determining maximum prices shall be the first of the following which is available:

(i) The manufacturer's current suggested retail price for the item.

(ii) The last suggested retail price for the item that the manufacturer issued.

- (iii) If the item never had a suggested retail price, the base price is the maximum price for which the same or nearest equivalent item would be sold new in the locality, minus carload freight from the plant of the manufacturer of the item.
- (c) Maximum prices for sales by dealers; in general—(1) Maximum prices. This paragraph is applicable to sales by retail dealers of all used complete items of farm equipment. However, this paragraph is not applicable to those items that have been reconditioned and guaranteed by a service dealer in the manner set forth in the next paragraph (d). Except as limited by the next subparagraph (2), the maximum price for any item covered by the paragraph shall be the sum of the following:

(i) The trade-in allowance granted or purchase price paid by the dealer, or, in the case of a repossessed item, the balance due to the dealer, distributor, manufacturer, or finance company.

(ii) \$15.00 or 5% of (i), whichever is the greater.

(iii) The maximum price established by the regulation for such parts as are needed and used in repairing the item.

(iv) A charge for other materials and for labor needed and used in repairing

No. 174-8

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>17</sup> F.R. 3185, 6936, 7599, 8948; 8 F.R. 134, 2286, 10503.

the item, not to exceed maximum prices determined in accordance with the applicable regulation issued by the Office of Price Administration.

- (2) Limit beyond which maximum prices may not go. In no event shall the maximum price determined under this paragraph (c) for any item listed in subparagraphs (1) to (9), inclusive, of paragraph (a), exceed 85% of the base price, if the item is sold within one year of its cale new, or 70% of the base price in any other case. The base price shall be determined in accordance with paragraph (b) (1). Where the dealer transports the used item more than 100 miles from the place where he purchased it, the limit beyond which the maximum price may not go may be increased by a certain amount. This amount shall be equal to the cost actually incurred by the dealer in transporting the used item from the place of purchase to the dealer's place of business.
- (d) Maximum prices for sales by service dealers of reconditioned and guaranteed items-(1) Applicability of this paragraph. This paragraph is applicable to sales by service dealers of reconditioned and guaranteed complete items of farm equipment. In order to be considered "reconditioned and guaranteed" all parts of the item which should be replaced, repaired, adjusted, or aligned for satisfactory operation must be replaced. repaired, adjusted, or aligned. Also, the dealer must furnish the purchaser with a signed guarantee in the form set forth in Appendix A (§ 1361.11), containing the information called for in that form.
- (2) Maximum prices. Except as limited by subparagraph (3), the maximum price for the sale by any service dealer of any reconditioned and guaranteed complete item of farm equipment shall be the sum of the following:
- (i) The trade-in allowance granted or purchase price paid by the dealer, or, in the case of a repossessed item, the balance due to the dealer, distributor, manufacturer, or finance company.
- (ii) \$15 or 25% of (i), whichever is the greater.
- (iii) The maximum price established by this regulation for such parts as are needed and used in reconditioning the item.
- (iv) A charge for other materials and for labor needed and used in reconditioning, not to exceed maximum prices determined in accordance with the applicable regulation issued by the Office of Price Administration.
- (3) Limit beyond which maximum prices may not go. In no event shall the maximum price determined under this paragraph (d) for any items listed in subparagraphs (1) to (9), inclusive, of paragraph (a) exceed 95% of the base price. The base price shall be determined in accordance with paragraph (b) (1). Where the dealer transports the used item more than 100 miles from the place where he purchased it, the limit beyond which the maximum price may not go may be increased by a certain amount. This amount shall be equal to the cost actually incurred by the dealer in transporting the used item

from the place of purchase to the dealer's place of business.

- (e) Prohibition against joint sales of used farm equipment and other items. Except as provided in paragraph (a) (9) of this section, each item of used farm equipment listed in subparagraphs (1) to (8), inclusive, of paragraph (a) of this section shall be sold separately; and
- (1) No retail dealer, service dealer, auctioneer, or any other person shall sell or negotiate the sale of any item of used farm equipment listed in subparagraphs (1) to (9); inclusive, of paragraph (a) of this section jointly with any commodity, property or service; and
- (2) No retail dealer, service dealer, auctioneer, or any other person shall sell or negotiate the sale of any commodity, property or service with the understanding that such purchase carries either an option to purchase or a gift of an item of farm equipment listed in subparagraphs (1) to (9), inclusive, of paragraph (a) of this section.
- 4. Section 1361.6 (d) is added to read as follows:
- (d) Every auctioneer shall file a notice of every public or private auction sale of used farm equipment at least six days before the sale. This notice shall be sent to the nearest District Office of the Office of Price Administration. The notice shall include the place, date and time of the sale and a copy of any announcement of the sale.
- 5. Section 1361.7a is amended to read as follows:
- § 1361.7a Licensing—(a) Applicability of this section. This section is applicable to (1) any person engaged in the business of purchasing new or used farm equipment for resale, or (2) any person engaged in the business of selling or negotiating the sale of new or used farm equipment as an auctioneer, agent or broker.
- (b) License required. A license as a condition of selling is required of every person covered by this section who now or hereafter sells or negotiates the sale of any new or used farm equipment for which maximum prices are established by this regulation.
- (c) License granted. Every person covered by this section who now or hereafter sells or negotiates the sale of any new or used farm equipment for which a maximum price is established by this regulation is hereby granted a license as a condition of selling or negotiating the sale of such new or used farm equipment. The provisions of this regulation shall be deemed to be incorporated in the license hereby granted, and any violation of any provision of this regulation shall be a violation of the provisions of said license. Such license shall be effective on September 6, 1943, or when any person first sells new or used farm equipment for which maximum prices are established by this regulation, and shall, unless suspended in accordance with the provisions of the Emergency Price Control Act of 1942, as amended, remain in effect as long as this regulation, or any applicable part, amendment or supplement remains in effect:

- (d) Registration. Any person covered by this section shall register with the Office of Price Administration at such time and in such manner as the Price Administrator may prescribe by an order issued under this section.
- (e) License not transferrable The license hereby granted is not transferrable.
- (f) Licensing and registration sections of the General Maximum Price Regulation' superseded. This section supersedes the registration and licensing provisions of §§ 1499.15 and 1499.16 of the General Maximum Price Regulation, insofar as sales by persons of new or used farm equipment for which maximum prices are established by this regulation are concerned.
- 6. Section 1361.9 (a) (3) is amended by adding the following to the list of items contained therein: Wire bale ties sold in lots of less than 2,500 pounds; irrigation equipment, except home lawn sprinklers; logging sleds and logging wagons; and portable, prefabricated poultry houses and hog houses.

This amendment shall become effective September 6, 1943.

(Pub. Laws 421 and 729, 77th Cong., Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of August 1943.

CHESTER BOWLES,

Acting Administrator.

[F. R. Doc. 43-14257; Filed, August 81, 1943; 2:59 p. m.]

PART 1388—DEFENSE-RENTAL AREAS [Designation and Rent Declaration 25,0 Amdt. 16]

Item (63) listed in the table in § 1388.1201 of Designation and Rent Declaration No. 25 is amended to read as follows:

(63) Rockford, Illinois, Counties of DeKalb, Boone, and Winnebago.

This amendment shall become effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.)

Issued this 30th day of August 1943.

CHESTER BOWLES,

Acting Administrator.

[F. R. Doc. 43-14197; Filed, August 80, 1943; 4:58 p. m.]

PART 1407—RATIONING OF FOOD AND FOOD PRODUCTS

[RO 16,4 Amdt. 60]

MEAT, FAT, FISH AND CHEESES

A rationale for this amendment has been issued simultaneously herewith and

<sup>2</sup>8 F.R. 3096, 3849, 4347, 4486, 4774, 4978, 4848, 6047, 6962, 8511, 9025, 9991. <sup>3</sup>7 F.R. 3892, 4179, 5812, 6389, 7245, 8366,

<sup>3</sup>7 F.R. 3892, 4179, 5812, 6389, 7245, 8366, 8507, 9954, 10081; 8 F.R. 121, 1228, 4779, 5738, 9021, 10738.

48 F.R. 6446, 6614, 6620, 6681, 6847, 6960, 6961, 7115, 7268, 7281, 7455, 7492, 8357, 8340, 8614, 8844, 8869, 9014, 9025, 9217, 9305, 9886, 10085, 10432, 10511, 10605, 10763.

has been filed with the Division of the \_Federal Register.\*

Ration Order 16 is amended in the

following respects:

1. The first sentence of section 25.1 (d) is amended and a new sentence is inserted immediately after it to read as

The monthly ration of all foods covered by this order for each of the persons for whom the application is granted shall be 16 points, unless an application for additional points under paragraph (o) has been granted. In that case, the monthly ration for each such person shall be 64 points.

2. A new sentence is added between the second and third sentences of section 25.1 (f) to read as follows:

However, it shall not perforate that square if an application for additional points under paragraph (o) has been granted, thus indicating that the card provides a monthly ration of 64 points for each person for whom it was issued.

3. The first and second sentences of section 25.1 (m) are amended to read as follows:

Upon the expiration of a certificate issued under section 25.1 (c) as it read prior to July 1, 1943, or of any green punch card, or after the full number of points provided by such certificate or card have been used by the applicant or members of his family unit to acquire foods covered by this order, the board (or Customs Officer) shall issue a green punch card for a subsequent period, but only if the applicant returns the expired duplicate certificate or card to it. The applicant shall, not later than five days after the expiration of any certificate or green punch card issued to him, return the duplicate of the certificate, or the card, to the board (or Customs Officer), either in person or by mail.

4. Section 25.1 (o) is added to read as follows:

(o) An applicant, at or after the time he makes an application on OPA Form R-183 under paragraph (a) may apply for a monthly ration of 64 instead of 16 points for each person for whom the ration is allowed. The application for additional points shall be made on OPA Form R-315. It shall state facts showing that the applicant and the members of his family unit are unable to obtain meat in Mexico because they live an unusually long distance from their nearest market in that country. It shall be made to the board (or Customs Officer) to which the applicant is required to apply under section 25.1 (a). However, if it is made to a Customs Officer, the Customs Officer shall not pass upon the application, but shall send it to the nearest board. If the board to which the application is made or to which it is sent by a Customs Officer finds that the facts stated in the application are true, it may grant the application. If the board is one to which the application for additional points was sent by a Customs Officer, it shall, if it grants the application, notify the Customs Officer of that fact and he shall issue the card. The Customs Officer or the board which issues the card, either for the first time or upon the expiration of a card or certificate previously issued pursuant to this section, shall give the applicant a card providing a monthly ration of 64 points for each person for whom it is issued.

5. The last sentence of section 25.2 (a) is amended and a new sentence is added at the end of that paragraph to read as

However, if the applicant has been granted additional points under paragraph (o) of section 25.1, a card issued thereafter shall allow 64 points per month for each person for whom it was issued. If the card allows 16 points per month for each person for whom it was issued, no numbers above 16 on any horizontal strip on the card are deemed to authorize the transfer of any foods and all such numbers are to be ignored.

6. The second sentence of section 25.2 (c) is amended and a new sentence inserted immediately thereafter, to read as follows:

This is to be done by perforating the appropriate box in the horizontal strip, or crossing out the number in that box, beginning at the bottom of the card. In addition, if the card allows 16 points per month for each person for whom it was issued, one strip is to be removed for each 16 points of foods covered by this order transferred; if the card allows 64 points per month per person, one strip is to be removed for each 64 points of such foods transferred.

7. The last sentence of section 25.2 (c) is amended and two new sentences are inserted immediately thereafter, within the present parentheses, to read as fol-

If the second transfer is for 8 points, and if the card allows 16 points for each person for whom it was issued, the supplier is required to remove the first horizontal strip and to perforate the box in the second horizontal strip containing the number 6 or to cross out that number. If the card allows 64 points per person, he would, in that case, perforate the hox in the first horizontal strip containing the number 22 or cross out that number. Then, if a third transfer is made for 50 points, he would remove the first horizontal strip and perforate or cross out the box in the second horizontal strip containing the number 8.

This amendment shall become effective September 4, 1943.

(Pub. Law 671, 76th Cong., as amended by Pub. Laws 89, 421, 507 and 729, 77th Cong. E.O. 9125, 7 F.R. 2719; E.O. 9280, 7 F.R. 10179; WPB Directive 1, 7 FR. 562; and Supp. Dir. 1-M, 7 F.R. 8234; Food Directive 1, 8 F.R. 827; Food Dir. 3, 8 F.R. 2005; Food Dir. 5, 8 F.R. 2251; Food Dir. 6, 8 F.R. 3471; Food Dir. 7, 8 F.R. 3471)

Issued this 31st day of August 1943.

CHESTER BOWLES. Acting Administrator.

[F. R. Doc. 43-14256; Filed, August 31, 1943; 2:57 p. m.]

PART 1429-POULTRY AND EGGS [MPR 333 2, Amdt. 13]

#### EGGS AND EGG PRODUCTS

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith. has been filed with the Division of the Federal Register.\*

1. A new § 1429.63 (d) is added to read as follows:

- (d) Each Regional Administrator is authorized to make adjustments in the maximum prices for shell eggs provided in this regulation not exceeding twotenths of one cent in amount, by appropriate order issued by him: Provided, That such order shall be made applicable to areas within his region that are defined definitely in such order and provided that paragraph (3) of § 1429.63 (a), immediately above, is complied with.
- 2. The next to the last sentence of § 1429.65 (s) (1) is amended to read as follows:
- (1) \* \* \* The terms "commercial user" and "industrial user" as used in this regulation shall not include the manufacturer of any egg product defined in § 1429.65 purchasing shell eggs which he manufactures into such egg products, but the maximum prices which such manufacturer may pay for such shell eggs are provided in § 1429.67b.
- 3. Section 1429.65 (x) is amended to read as follows:
- (x) "Retail route seller" means a seller of shell eggs who distributes them to ultimate consumers other than commerclal, industrial, institutional, or governmental users from an inventory stockedin trucks or other conveyances operated by driver salesmen over regular routes, and includes both "large retail route sellers" and "independent retail route sellers" as herein defined.

  (1) "Large retail route seller" means

a retail route seller who operates four or more trucks or other conveyances over his regular routes in the distribution of shell eggs.

(2) "Independent retail route seller" means a retail route seller who operates less than four trucks or other conveyances over his regular routes in the distribution of shell eggs.

- 4. Section 1429.65 (y) is amended to read as follows:
- (y) "First receiver", when applied to sales and deliveries of shell eggs, means a dealer located within 200 miles of the city, town, village, or hamlet in which the eggs sold will be distributed and consumed, who purchases eggs generally in wholesale grades from a producer or shipper and who customarily sells such eggs to jobbers and retailers.
- 5. Section 1429.67 (g) (3) is amended to read as follows:
- (3) Jumbo eggs of any consumer grade shall not sell at more than the maximum price of Extra Large eggs of the same consumer grade.

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>2</sup>8 F.R. 2483, 3062, 3070, 3735, 5342, 5339, 6162, 6476, 6626, 7457, 8027, 9300, 9379, 9300, 11331.

- Section 1429.67 (g) (9) is hereby revoked.
- 7. Table I of § 1429.67a (e) is amended to read as follows:

TABLE I

WHOLESALE GRADES AND CURRENT RECEIPT EGGS FOR PERIOD THROUGH OCTOBER 30

Title de de cale	Nos. 1, 2, 3, and 4			
Week begin-	Specials	Extras	Stand- ards	Current receipts
Aug. 30	50 51 52 53 54 55 55 55	45. 5 45. 5 45. 5 45. 5 46. 5 47. 5 47. 5 47. 5	43 43 43 44 44 44 44 44	41. 5 41. 5 41. 5 41. 5 42. 5 42. 5 42. 5

- 8. Section 1429.67a (e) (3) is amended to read as follows:
- (3) For each pound of average net weight above the average net weight prescribed for the particular wholesale grade there may be added to the maximum price for the particular grade and prescribed average net weight one-half cent per dozen provided that no increase in maximum price is permitted for any average net weight in excess of 50 pounds.
- 9. Table II of § 1429.67a (f) is amended to read as follows:

TABLE II

WHOLESALE GRADES AND CURRENT RECEIPT EGGS FOR PERIOD THROUGH OCTOBER 30

Week begin-	Nos. 1, 2, 3, and 4			Current
ning	Specials	Extras	Standards	receipts
Aug. 30	48 49 50 51 52 53 53 53	43.5 43.5 43.5 44.6 45.5 45.5 45.5 45.5	41. 4 41. 4 41. 4 41. 4 42. 4 42. 4 42. 4 42. 4 42. 4	39, 9 39, 9 39, 9 39, 9 40, 9 40, 9 40, 9 40, 9

- 10. Section 1429.67b is amended to read as follows:
- § 1429.67b Maximum prices for wholesale grades and current receipt eggs sold to jobbers, large retail route sellers, large retailers at their warehouses and manufacturers of egg products defined in § 1429.65. The maximum prices in cents per dozen for shell eggs of wholesale grades and current receipt eggs sold and delivered to a jobber, large retail route seller, or a large retailer at his warehouse or a manufacturer of egg products who uses the eggs purchased in manufacturing one or more of the egg products defined in § 1429.65 shall be 1.3 cents more per dozen than the maximum prices provided in § 1429.67a of this regulation: Provided, however, That when any of such purchasers buy such shell eggs from any seller other than a first receiver he shall not pay more than the maximum

price that may be paid by such first receiver as provided in § 1429.67a.

- 11. Section 1429.67c is amended to read as follows:
- \$ 1429.67c Maximum prices for wholesale grades and current receipt eggs sold and delivered to independent retailers, independent retail route sellers, and commercial, industrial, institutional, and non-federal governmental users and large retailers at their individual stores. The maximum prices in cents per dozen for shell eggs of wholesale grades and current receipt eggs sold and delivered to an independent retailer, independent retail route seller, a large retailer at his individual store or to a commercial, industrial, institutional, or non-federal governmental user shall be 2.8 cents more per dozen than the maximum prices provided in § 1429.67a of this regulation: Provided, however, That when any of such purchasers buy such shell eggs from any seller other than a first receiver or jobber, he shall not pay more than the maximum price that may be paid by a first receiver as provided in § 1429.67a.
- 12. Section 1429.67d is amended to read as follows:
- § 1429.67d Maximum prices for shell eggs of consumer grades sold and delivered to first receiver or to any purchaser other than the United States or any agency thereof, a retailer, retail route seller, or commercial, industrial, institutional, or non-federal govern-mental user or ultimate consumer. (Jobbers, first receivers and prior pur-chasers.) The maximum prices in cents per dozen for shell eggs of consumer grades sold and delivered to a first receiver or to any purchaser other than the United States or any agency thereof, a retailer, retail route seller, or commercial, industrial, institutional, or nonfederal governmental user or an ultimate consumer shall be 1.5 cents less per dozen than provided in Section 1429.67.
- · 13. Section 1429.67e is amended to read as follows:
- § 1429.67e Maximum prices for shell eggs of consumer grades sold and delivered to large retail route sellers and large retailers in their warehouses. The maximum prices in cents per dozen for shell eggs of consumer grades sold and delivered to a large retail route seller or to a large retailer at his warehouse shall be .0075 cent less per dozen than provided in § 1429.67: Provided, however, That when any of such purchasers buy such shell eggs from any seller other than a first receiver or jobber, he shall not pay more than the maximum price that may be paid by a first receiver as provided in § 1429.67d.
- 14. Section 1429.67f is added to read as follows:
- § 1429.67f Maximum prices for shell eggs of consumer grades sold and delivered to an independent retail route seller. The maximum prices in cents per dozen for shell eggs of consumer grades

- sold and delivered to an independent retail route seller shall be the same as the maximum prices provided in § 1429.67.
- 15. Section 1429.68 is amended to read as follows:
- § 1429.68 Maximum prices of shell eggs sold by farmers, wholesale distributors, retail route sellers, and all sellers other than retailers to ultimate consumers—(a) Maximum prices for consumer grades. Maximum prices for consumer grades of shell eggs sold and delivered by farmers, wholesale distributors, retail route sellers, or sellers other than retailers to ultimate consumers, except commercial, industrial, institutional, or non-federal governmental users shall be calculated by multiplying by 1.17 the maximum price for the consumer grade of eggs to be sold at the time and place of delivery, determined as provided in § 1429.67 above for sales to retailers,
- (b) Maximum prices when not graded into consumer grades. The maximum prices for shell eggs that have not been candled and graded dinto consumer grades sold and delivered by farmers, wholesale distributors, retail route sellers, or sellers other than retailers, to ultimate consumers, except commercial, industrial, institutional, or non-federal governmental users shall be calculated by multiplying by 1.17 the maximum price for Consumer Grade C eggs at the time and place of delivery, determined as provided in § 1429.67 above for sales to retailers.
- 16. Section 1429.77 is amended to read as follows:
- § 1429.77 Decimals and final calculations of maximum prices. Except when determining maximum prices for shell eggs sold to ultimate consumers as provided in § 1429.68, in calculating maximum prices for sales and deliveries of egg items as provided by this regulation, all calculations shall be carried to the second decimal place of a cent, and any final calculations of a maximum price resulting in a fraction of a cent per dozen eggs or per pound of egg products shall be adjusted to the nearest one-tenth of a cent. If the amount in excess of one-tenth of a cent is onetwentieth of a cent or more the nearest one-tenth of a cent shall be considered to be the next highest one-tenth of a cent. If the amount in excess of onetenth of a cent is less than one-twentieth of a cent the nearest one-tenth of a cent shall be the next lowest one-tenth of a cent. In calculating maximum prices for sales and deliveries of shell eggs to ultimate consumers as provided in § 1429.68 all calculations shall be carried to the first decimal place of a cent and any final calculation of such maximum prices resulting in a fraction of a cent per dozen eggs shall be adjusted to the nearest cent. If the amount in addition to a whole cent is one-half cent or more the nearest whole cent shall be considered to be the next highest whole cent.

If the amount in excess of a whole cent is less than one-half cent the nearest whole cent shall be the next lowest whole cent.

This amendment shall be effective August 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 30th day of August 1943.

CHESTER BOWLES,

Acting Administrator.

Approved: To expire not later than Oct. 31, 1943,

MARVIN JONES,

War Food Administrator.

[F. R. Doc. 43-14194; Filed, August 30, 1943; 4:57 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 19] .

ANTHRACITE COAL

Preamble: Because of transportation, equipment, and manpower shortages, the supply of anthracite coal now available for distribution to consumers who need such coal for space heating, domestic hot water, and domestic cooking, is not sufficient to permit unrestricted inventory accumulation by consumers. Accordingly, this regulation is issued in order to provide for the orderly and equitable distribution of anthracite coal and to prevent unfair and unnecessary accumulations of consumer inventories. To accomplish these objectives, it sets anthracite coal inventory ceilings for these consumers and provides, further, that such consumers, having on hand less than twenty-five, percent (25%) of the amount they used in the previous heating year, shall be entitled to obtain deliveries before other such consumers. Appropriate provision is also made for various special situations.

§ 1394.9207 Rationing of anthracite coal. Under the authority vested in the Office of Price Administration and the Price Administrator by Executive Order No. 9125 issued by the President on April 7, 1942, by Directive No. 1 and Supplementary Directive No. 1-W of the War Production Board, issued January 24, 1942, and August 27, 1943, respectively, Ration Order 19 (anthracite coal), which is annexed hereto and made a part hereof, is hereby issued.

AUTHORITY: § 1394.9207 issued under Pub. Law 671, 76th Cong., as amended by Pub. Laws 89 and 507, 77th Cong.; Pub. Law 421, 77th Cong.; W.P.B. Directive No. 1, 7 FR. 562; Supp. Dir. No. 1-W8 FR.; E.O. 9125, 7 FR. 2719.

RATION ORDER 19-ANTHRACITE COAL

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SECTION 1. Deliveries covered by this order. (a) This order covers deliveries of anthracite coal to consumers to the extent that they acquire such coal for space heating, domestic hot water, or domestic cooking, in the following Limitation Area: the states of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia.

(b) It also covers such deliveries from without the Limitation Area to consumers within the Limitation Area.

Sec. 2. Certain deliveries are prohibited. (a) A consumer may not acquire any anthracite coal, if he has on hand an amount of such coal equal to or more than fifty (50) percent of the amount he used from April 1, 1942, to March 31, 1943, inclusive (hereafter called the "base years").

(b) A consumer may not acquire anthracite coal in an amount which, when added to the amount he already has on hand, will give him more than fifty (50) percent of the amount he used during the base year. This restriction does not apply to a single delivery to a consumer of the smallest full load or portion of a load of anthracite coal customarily acquired by such consumer, in a single delivery, but in no event shall any delivery made before November 1, 1943, bring the total amount which he has on hand to more than seventy-five (75) percent of the amount he used during the base year.

(c) A consumer may not acquire any anthracite coal, so long as he has one or more outstanding orders or contracts for the acquisition of more anthracite coal in any calendar month than he may lawfully acquire in that month, under paragraph (b). (Thus, consumers may not acquire any anthracite coal if they "inflate", duplicate or pyramid their orders or contracts.) Moreover, a consumer may not acquire any anthracite coal for particular premises, so long as he has outstanding orders or contracts for the acquisition of anthracite coal from more than one person, for those premises, unless it has been the consumer's customary practice to have outstanding orders or contracts for the acquisition of anthracite coal from more than one person for those premises.

(d) A person who knows or has reason to believe that a consumer may not lawfully acquire anthracite coal under this order may not deliver such coal to him.

(e) Except for the limitations imposed by this section, any consumer may acquire anthracite coal, and any person may deliver such coal to him. However, they must comply with the conditions and follow the procedure set forth in sections 3 and 4. (Certain exceptions to this section and sections 3 and 4 are set forth in sections 6 to 11, inclusive.)

Sec. 3. Procedure to be followed in ordering anthracite coal. (a) A consumer desiring to acquire anthracite coal from a person must first give him the

following information:

(1) The amount the consumer wishes to acquire;

(2) The amount he used from April 1, 1942, to March 31, 1943; and

(3) The amount he has on hand.

(b) If the information is given orally, the consumer must furnish to such person a signed statement confirming this information within seven days thereafter, or at or before the time of delivery. On and after September 20, 1943, the person may not deliver the coal unless he receives the signed statement at or before the delivery. This paragraph does not apply to any consumer who in the base year used not more than three (3) tons of anthracite coal and who has not since September 1, 1943, acquired more than one and one-half (1½) tons of anthracite coal.

(c) So long as a consumer has an unfilled order or contract for the acquisition of anthracite coal from any person, he must send written notification to that person of any increase in the amount of such coal he has on hand (not counting, of course, acquisitions from that person).

(d) Each statement or notice received by any person pursuant to this section must be retained by him at his place of business for at least one year from the date of receipt and must be kept available for inspection by the Office of Price Administration.

SEC. 4. Order in which deliveries must be made. (a) Deliveries of anthracite coal to consumers who have complied with section 3 (and who may lawfully acquire such coal under section 2) must be made in the following order of preference:

(1) Consumers who have on hand less than one-fourth (1/4) of the amount they used during the base year.

(2) Consumers who have on hand one-fourth (1/4) or more but less than one-half (1/2) of the amount they used during the base year.

(b) This section, to the extent that it may be inconsistent with § 602.4 of Revised Regulation No. 2, as amended, of the Solid Fuels Administration for War, is superseded thereby.

Sec. 5. Procedure where no anthracite coal was used between November 1, 1942, and March 31, 1943. (a) Sections 2, 3, 4 and 10 refer to the amount of anthracite coal used by a consumer from April 1, 1942, to March 31, 1943, inclusive. If a consumer did not use anthracite coal as his principal fuel in each month during the period from November 1, 1942 to March 31, 1943, he may substitute the amount of such coal he will need from April 1, 1943, to March 31, 1944, inclusive.

SEC. 6. Certain government agencies and persons are exempt. (a) This order does not apply to deliveries of coal to, or acquisitions of coal by, (or for the account of):

(1) The Army, Navy, Marine Corps, or Coast Guard of the United States;

(2) Any government agency or other person when such coal is acquired by or for it, for export to and consumption or use in a foreign country or territory or possession of the United States other than the District of Columbia;

(3) Commercial fishing vessels or ocean-going vessels engaged in the transportation of cargo or passengers in foreign, coastwise, or intercoastal trade;

and

(4) Any person to the extent that he acquires anthracite coal for use in an industrial process or for the production of power or for space heating which is incidental thereto.

Sec. 7. Coal in transit. (a) Coal in transit at the time this order takes effect may be delivered to the consignee and

acquired by him.

Sec. 8. Transfer of premises. (a) If a consumer acquires premises from another consumer, he may acquire coal which the latter had on hand for use in connection with those premises, and the consumer transferring the premises may deliver such coal to the consumer acquiring the premises.

SEC. 9. Exceptions may be granted by the Director of the Fuel Rationing Division. (a) Persons may also acquire or deliver anthracíte coal when authorized to do so by the Director of the Fuel Rationing Division, Office of Price Administration, Washington, D. C.

(b) Any person who desires such authority to acquire or deliver anthracite coal must apply in writing to the Director of the Fuel Rationing Division, Office of Price Administration, Washington, D. C. The application must state the kind and amount of anthracite coal he wishes to acquire or deliver and the reasons why such authority should be given.

Sec. 10. Regional Administrator may allow increased inventory in certain areas. (a) Whenever a Regional Administrator finds that consumers in particular areas in his region will be prevented from receiving regular winter supplies of anthracite coal by reason of disruptions in transportation, such as those occurring at ice-bound terminals, he may issue an order designating such areas and authorizing consumers to acquire in such areas and upon such conditions of priority or otherwise as he deems necessary, a larger amount of anthracite coal than is permitted by section 2. However, no such order shall authorize the acquisition by any consumer of an amount which, when added to the amount he already has on hand, will give him more than 75% of the amount he used during the base year.

SEC. 11. Deliveries by a carrier are permitted. (a) Delivery of coal may be made by an independent carrier for the purpose of effecting a delivery permitted by any other section of this order.

Sec. 12. Discrimination among consumers is prohibited. (a) No person may

discriminate in the delivery of anthracite coal among consumers entitled to receive deliveries under this order.

SEC. 13. False or misleading statements are prohibited. (a) No person shall make any false or misleading statement or entry in any document or record sent, filed or kept under this order.

SEC. 14. General Ration Order 8 applies. (a) The provisions of General Ration Order 8 (dealing with prohibitions, penalties, and suspension orders), to the extent applicable, shall be deemed part of this order.

Sec. 15. Regulations of other agencies.
(a) Nothing in this order shall be construed to authorize any delivery of coal which would be in contravention of any regulation or order of any department or agency of the United States.

SEC. 16. Contracts. (a) The provisions of this order apply regardless of the terms of any contract, agreement, or other commitment.

Sec. 17. Terms explained. (a) When used in this order:

(1) "Acquire" means to accept delivery.

(2) "Base year" means the period from April 1, 1942 to March 31, 1943, inclusive.

- (3) "Anthracite coal" means that coal generally referred to as Pennsylvania anthracite and which is produced in the following counties in Pennsylvania: Carbon, Columbia, Dauphin, Lebanon, Lackawanna, Luzerne, Northumberland, Schuylkill, Susquehanna, and Wayne. However, for the purposes of this order the term does not include "barley" (#3 Buckwheat) or smaller sizes.
- (4) "Consumer" means any person who acquires anthracite coal for space heating, domestic hot water, or domestic cooking, but does not include any person to the extent that he acquires anthracite coal for use in an industrial process or for the production of power or for space heating which is incidental thereto.
- (5) "Deliver" means to transfer possession, directly or indirectly.
- (6) "Domestic hot water" means hot water used for household or lavatory purposes or for cleaning premises.

(7) "Domestic cooking" means cooking in a household for the benefit of the household, and not for profit.

(8) "Person" means any individual, partnership, corporation; association, government or government agency, or any other organized group or enterprise.

This order shall become effective 12:01 a.m. September 1, 1943, and shall remain in effect until further order of the Office of Price Administration.

Note: All reporting and record keeping requirements of this order have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of

Issued this 31st day of August 1943.

CHESTER BOWLES, Acting Administrator.

[F. R. Doc. 43-14254; Filed, August 31, 1943; 2:57 p. m.]

PART 1439—UNPROCESSED AGRICULTURAL COMMODITIES

[MPR 426,1 Amdt, 7]

FRESH FRUITS AND VEGETABLES FOR TABLE USE, SALES EXCEPT AT RETAIL

A statement of the considerations involved in the issuance of this amendment, issued simultaneously herewith, has been filed with the Division of the Federal Register.\*

The effective date provision of Amendment 4 to Maximum Price Regulation 426 is amended to read as follows:

Amendment 4 shall become effective September 3, 1943, except that the f. o. b. shipping point prices in Column 5 of Appendix D shall become effective August 19, 1943. Any regional office or such district office of the Office of Price Administration as may be authorized by the appropriate regional office may, by order, extend the effective date of Amendment 4 with respect to the maximum prices named in Columns 7 and 8 of the table in Appendix D of section 15 for sales by any individual receiving a carlot of merchandise at a wholesale receiving point who (a) exhibits a bill of lading showing that the carlot was actually shipped from California prior to August 19, 1943 and (b) shows that he cannot dispose of the merchandise prior to September 3, 1943. The effective date may be extended only to such date that will permit the individual sufficient time in which to dispose of the merchandise, but in no event shall the effective date be extended beyond September 10, 1943.

This amendment shall become effective August 31, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong.; E.O. 9250, 7 F.R. 7871; E.O. 9328, 8 F.R. 4681)

Issued this 31st day of August 1943.

CHESTER BOWLES,

Acting Administrator.

[F. R. Doc. 43-14252; Filed, August 31, 1943; 2:56 p. m.]

PART 1394—RATIONING OF FUEL AND FUEL PRODUCTS

[RO 5C,2 Amdt. 1 to Supp. 2]

MILEAGE RATIONING: GASOLINE REGULATIONS

§ 1394.8403 is amended by substituting for the phrase "until the Office of Price Administration otherwise directs." the phrase "until September 1, 1943."

<sup>\*</sup>Copies may be obtained from the Office of Price Administration.

<sup>&</sup>lt;sup>1</sup>8 F.R. 9546, 9568, 9727, 10571, 10673, 11559, 11691, 11756.

<sup>&</sup>lt;sup>2</sup>7 FR. 9135, 9787, 10147, 10016, 10110, 10338, 10706, 10786, 10787, 11009, 11070; 8 F.R. 179, 274, 369, 372, 607, 565, 1028, 1202, 1203, 1365, 1282, 1366, 1318, 1588, 1813, 1895, 2098, 2213, 2288, 2353, 2431, 2595, 2780, 2720, 3090, 3261, 3253, 3255, 3254, 3315, 3616, 4189, 4341, 4850, 4976, 5267, 5268, 5486, 5564, 5756, 6201, 6179, 6441, 6846, 6687, 7390, 7455, 8009, 8180, 8680, 9021, 9022, 8980, 9065, 9202, 9304, 9334, 9219, 9457, 9531.

This amendment shall become effective 12:01 a.m. September 1, 1943.

(Pub. Law 671, 76th Cong.; as amended by Pub. Laws 89, 421, 507, 77th Cong.; WPB Dir. No. 1, Supp. Dir. No. 1Q, 7 F.R. 562, 9121; E.O. 9125, 7 F.R. 2719)

Issued this 30th day of August 1943. CHESTER BOWLES, Acting Administrator.

[F. R. Doc. 43-14261; Filed, August 31, 1943; 5:39 p. m.]

PART 1388-DÉFENSE-RENTAL AREAS [Designation and Rent Declaration 31,1 Amdt. 9]

#### ILLINOIS AND IOWA

The title and items (9) and (11) listed in the table in § 1388.1341 of Designation and Rent Declaration No. 31 are amended and item (61) is added to the table in the said section to read as follows:

DESIGNATION AND RENT DECLARATION NO. 31

(9) Illinois	Illinois	That portion of the State of Illinois not hereto- fore designated by the Price Administrator as
		part of any defense- rental area, except the counties of DeKalb, Kankakee, and La- Salle.
(11) Iowa	Iowa	That portion of the State of Iowa not heretofore designated by the Prica Administrator as part of any defense-rental
(61) Ottumwa	Iowa	area, except the county of Wapello. County of Wapello.

This amendment shall become effective September 1, 1943.

(Pub. Laws 421 and 729, 77th Cong.) Issued this 30th day of August 1943.

CHESTER BOWLES, Acting Administrator.

[F. R. Doc. 43-14196; Filed, August 30, 1943; 4:57 p. m.]

### Chapter XIII-Petroleum Administration for War

[Petroleum Directive 71]

PART 1535-PETROLEUM PROCESSING AND REFINING

DIESEL FUEL IN WEST COAST AREA, HAWAII AND ALASKA

The fulfillment of requirements for the defense of the United States will result in a shortage of aviation gasoline, diesel fuel, motor fuel, fuel oil and other petroleum products for defense, for private account and for export; and the following directive is deemed necessary and appropriate in the public interest, to promote the national defense and to provide adequate supplies for military and other essential uses.

§ 1535.2 Petroleum Directive 71—(a) Definitions. (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated

or not.
(2) "District five" means the States of Washington, Oregon, California, Nevada and Arizona, the Territories of Alaska and Hawaii.

(3) "Diesel fuel" means any patroleum distillate suitable as fuel for any

diesel engine.

(4) "Cetane number" means the ignition quality of a diesel fuel, determined in accordance with the procedure prescribed in A. S. T. M. Designation: D 613-41T or any later revision thereof, and expressed as the percentage by volume of cetane in a mixture of cetane and alpha-methyl-napthalene having equivalent ignition quality.

(5) "Non-military use" means the consumption or purchase of diesel fuel other than by or for the account of the United States War Department, the United States Navy Department, the Office of Lend-Lease Administration and the military and naval forces of the United Nations.

(b) Maximum quality specifications for diesel fuel. (1) No person in District five shall deliver or accept delivery of diesel fuel having a higher cetane number than 40, for non-military use.

(2) No refiner of petroleum products in District five shall use distillate fractions

(a) Which have a cetane number of

40 or higher and

(b) Which are otherwise suitable for the production of diesel fuel having a cetane number of 40 or higher,

in the manufacture of diesel fuel having a cetane number of less than 40 or in the manufacture of any product for nonmilitary use.

(c) General exception for stocks on hand. This Petroleum Directive shall not apply to Diesel fuel which, on the effective date hereof, shall already have been shipped from the refinery in which it was produced.

(d) Applications for specific exceptions. (1) Any person affected by this Petroleum Directive who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may file an application for exception setting forth the pertinent facts and reasons why he considers himself entitled to relief. All such applica-tions for exception shall be filed in quadruplicate and shall be addressed to the Director in Charge, Petroleum Administration for War, 855 Subway Terminal Building, 417 South Hill Street, Los Angeles 13, California.

(2) Any person whose application for exception to this Petroleum Directive No. 71 has been denied in whole or in part may appeal to the Petroleum Administration for War, Washington, D. C., by filing a letter in triplicate with the Director in Charge, Petroleum Administra-tion for War, 855 Subway Terminal Building, 417 South Hill Street, Los Angeles 13, California, stating fully the grounds of the appeal. Forthwith the entire file will be forwarded to the Patroleum Administration for War at Washington, D. C.

(e) Effective date. This Petroleum Directive shall take effect the 13th day of September, 1943.

(E.O. 9276, 7 F.R. 10091)

Issued this 2d day of September 1943. RALPH K. DAVIES, Deputy Petroleum Administrator for War.

[F.R. Doc. 43-14279; Filed, September 1, 1943; 10:23 a. m.]

# TITLE 38—PENSIONS, BONUSES AND VETERANS' RELIEF

Chapter I—Veterans' Administration [Instruction 2]

PART 35-VETERANS' REGULATIONS

PAYMENT OF PENSION, COMPENSATION OR RETIREMENT PAY WHILE RECEIVING HOSPI-TALIZATION, INSTITUTIONAL OR DOLLICILI-ARY CARE

For the purposes of all laws administered by the Veterans' Administration pertaining to pension, compensation, or retirement pay, the following instructions are issued:

1. Section 13 of Public Law 144, 78th Congress (Act of July 13, 1943), amends paragraph (f) (1) of § 35.06, as amended, to read as follows:

(1) Where any disabled veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the United States, or any political subdivision thereof, any pension, compensation, or retirement pay shall not exceed \$20 per month: Provided, That the amount payable for any such disabled veteran, entitled to pension for non-service-connected disability under the provisions of part III of Veterans Regulation numbered 1 (a), as amended, shall not exceed \$8 per month. Where any disabled veteran who is being furnished hospital treatment, institutional or domiciliary.care by the United States, or any political subdivision thereof, has a wife, child, or dependent parent, the pension, compensation, or retirement pay may, in the discretion of the Administrator, be apportioned on behalf of such wife, child, or dependent parent, in accordance with instructions issued by the Administrator.

(2) Where any disabled veteran having neither wife, child, nor dependent parent is being furnished hospital treatment, institutional or domiciliary care by the United States, or any political subdivision thereof, and shall be deemed by the Administrator of Veterans' Offairs to be insane, the pension, compensation, or retirement pay for such veteran shall be in the amounts specifled in (1) above: Provided, That in any case where the estate of such disabled insane vetéran derived from any source equals or exceeds \$1,500 further payments of such benefits will not be made until the estate is reduced to \$500. Any such veteran without such dependent or dependents, when maintained at his

<sup>18</sup> F.R. 122, 1229, 1749, 4779, 5738, 5739, 10739.

own expense in an institution, shall be paid such amount otherwise payable as equals the amount charged for his care and maintenance in such institution not exceeding the amount the Administrator of Veterans' Affairs determines to be the charge as fixed by any applicable statute or valid administrative regulation: Provided further, That all or any part of the pension, compensation, or retirement pay payable on account of any such veteran may, in the discretion of the Administrator, and in accordance with instructions issued by the Administrator, be paid to the chief officer of the institution wherein the disabled veteran is maintained, to be properly accounted for by said chief officer and to be used for the benefit of the disabled veteran; or may be paid to the guardian of the disabled veteran in accordance with the provisions of paragraph 1 of section 21 of the World War Veterans' Act, 1924, as amended; or, in the event the disabled veteran has a wife, child, or dependent parent, may, in the discretion of the Administrator, be paid to his wife or apportioned on behalf of such wife, child, or dependent parent; or otherwise be disposed of in accordance with the provisions of paragraph 3 of section 21 of the World War Veterans' Act, 1924, as amended.

(3) Any veteran subject to the provisions of subparagraph (1) or (2) shall be deemed to be single and without dependents in the absence of satisfactory evidence to the contrary: *Provided*, That in no event shall increased compensation, pension, or retirement pay of such veteran be granted for any period more than six months prior to receipt of satisfactory evidence showing such veteran has a wife, child, or dependent parent.

2. It will be observed that on and after July 13, 1943, the date of the approval of the Act, veterans without dependents of the classes enumerated being furnished hospital treatment, institutional or domiciliary care by the United States or any political subdivision thereof are entitled to payments not to exceed \$20 monthly, in lieu of \$15 monthly, for service incurred disability, \$20 monthly, in lieu of the rate formerly received, for non-service connected disability for which pension is payable under other than \$35.013, as amended, and not to exceed \$8 monthly, in lieu of \$6 monthly, for non-service connected disability under the provisions of \$35.013, as amended.

3. It will be observed that under subparagraph (2), as amended, when the estate of a veteran deemed insane by the Administrator of Veterans Affairs, who is without dependents of the classes enumerated, derived from any source, equals or exceeds \$1,500, further payments of such benefits will not be made until the estate is reduced to \$500. It will also be noted that under subparagraph (2), as amended, when any such insane veteran, without such dependents, is maintained at his own expense in an institution, the limitations of subparagraphs (1) and (2) are for application but there shall be paid, in such cases, such amount otherwise payable as equals the amount charged for his care and maintenance in such institutions, not, however, exceeding the amount the Administrator of Veterans Affairs determines to be the charge as fixed by any applicable statute or valid administrative regulation.

Upon receipt of notice by the adjudicating agency from the chief attorney, the following awards action will be accomplished:

a. When notice shows veteran's estate derived from any source equals or exceeds \$1,500, and veteran is not maintained in an institution at his own expense, any payment of disability compensation, pension, or retirement pay being made will be discontinued.

b. If notice shows veteran's estate derived from any source equals or exceeds \$1,500, and the veteran is maintained at his own expense in an institution, the information furnished by the chief attorney will be used as the basis for an award in the veteran's behalf.

c. If notice shows the veteran is being maintained in an institution at his own expense and monthly payments are in order under subparagraph (1), the information furnished by the chief attorney will be utilized in determining the amount, which, together with the amount allowed under subparagraph (1), if otherwise payable, will be awarded in the veteran's behalf.

4. It will be further noted that under subparagraph (3) any veteran subject to the provisions of subparagraphs (1) and (2) will be deemed to be single and without dependents in the absence of satisfactory proof to the contrary; and that in no event will increased compensation, pension, or retirement pay be granted for any period more than six months prior to receipt of satisfactory evidence showing veteran has a wife, child, or dependent parent. In those instances where the required proof of dependents is not of record sworn statements, on Form 404 or otherwise, as to dependency status will constitute a prima facie showing thereof. The veteran will be informed of the necessary additional evidence and that in the event it is not submitted within sixty days the award will be adjusted on the basis of aveteran without dependents effective from the date of admission to the institution.

5. Section 13, Public Law 144, 78th Congress, amends paragraph (f) of \$35.06, as amended; accordingly, except as otherwise provided in the instructions issued under Public Law 144, 78th Congress, the provisions of Regulations and Procedure, Veterans Administration, pertaining to definitions of relationship, dependency, jurisdiction, appeals, effective dates of awards, discontinuances, etc., insofar as applicable, will continue under this instruction.

(Pub. Law 144, 78th Cong.)

Frank T. Hines,
Administrator.

AUGUST 21, 1943.

[F. R. Doc. 43-14262; Filed, August 30, 1943; 4:11 p. m.]

# TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations [Service Order 133, Amdt. 4]

Part 95—Car Service

REFRIGERATION OF VEGETABLES ORIGINATING IN COLORADO

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 30th day of August, A. D. 1943.

At the request of the Office of Defense Transportation and upon further consideration of the provisions of Service Order No. 133 (8 F.R. 8554) of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941-42; 8 F.R. 11389), and it appearing that an acute shortage of ice is affecting both the intrastate and interstate movement of perishables in refrig-

erator cars originating at points in western states; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That Service Order No. 133 (8 F.R. 8554) of June 19, 1943, as amended (8 F.R. 9728-29; 8 F.R. 10941-42; 8 F.R. 11389), be, and it is hereby, further amended by adding the following paragraph (a) under subdivision (ii) of paragraph (a) (1) of § 95.313, Restriction on refrigeration service:

(a) Refrigerator cars loaded with fresh or green vegetables originating at points in the State of Colorado may be initially bunker iced under subdivision (ii) of paragraph (a) (1) of § 95.313, but not to exceed 4,000 pounds of bunker ice per car. (Not applicable to traffic originating at points on the Union Pacific Railroad Company in the State of Colorado.) (40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective immediately; that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by fling it with the Director, Division of the Federal Register.

By the Commission, Division 3.

[SEAL]

W. P. BARTEL, Secretary.

[F. R. Doc. 43-14258; Filed, August 31, 1943; 3:49 p. m.]

# [Service Order 104, Amdt. 3]

PART 95-CAR SERVICE

SUBSTITUTION OF REFRIGERATOR CARS FOR BOX CARS IN CERTAIN WESTERN STATES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 31st day of August, A. D. 1943.

At the request of the Office of Defense Transportation and upon further consideration of Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270; 8 F.R. 11852) and it appearing that the empty movement of refrigerator cars to certain western states diminishes the use of such cars; in the opinion of the Commission an emergency exists requiring immediate action to prevent a shortage of equipment:

It is ordered, That Service Order No. 104 (8 F.R. 1036) of January 19, 1943, as amended (8 F.R. 5270; 8 F.R. 11852) be, and it is hereby, further amended by substituting the following paragraphs (a) (1) and (a) (2) in lieu of paragraphs (a) and (d) of § 95.304, Substitution of refrigerator curs, as amended:

(a) (1) Except as provided in paragraph (a) (2) and paragraph (g) of this section any common carrier by railroad

subject to the Interstate Commerce Act transporting (i) westbound transcontinental shipments, in carloads, destined to points in the States of California, Idaho, Arizona, Nevada, or Utah, or (ii) westbound shipments, in carloads, originating at points in the State of Utah and destined to points in the States of California or Nevada, shall when freight to be transported is suitable and facilities are suitable for loading in refrigerator cars, and when PFE or SFRD refrigerator cars are reasonably available, furnish and transport not more than three (3) of these refrigerator cars in lieu of each box car ordered, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car.

(a) (2) On shipments on which the carload minimum weight varies with the size of the car:

(i) Two (2) refrigerator cars shall be furnished in lieu of one (1) box car ordered of a length of 40'7" or less, subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

(ii) Three (3) refrigerator cars shall be furnished in lieu of one (1) box car ordered of a length of over 40'7" but not over 50'7", subject to the carload minimum weight which would have applied if the shipment had been loaded in a box car of the size ordered.

And by adding the following paragraph (g) to § 95.304, Substitution of refrigerator cars, as amended:

(g) Appointment of agent. R.B. Hoffman, Chicago, Illinois, is hereby appointed the agent of the Interstate Commerce Commission, subject to the direction of the Director of the Bureau of Service, and he shall direct the use of refrigerator cars, other than PFE or SFRD cars, and of either private or railroad ownership, for loading, as herein-before provided, if PFE or SFRD cars are not reasonably available. (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 901; 49 U.S.C. 1 (10)-(17))

It is further ordered, That this order shall become effective at 12:01 a. m., September 1, 1943; that a copy of this order and direction be served upon the Association of American Railroads. Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register,

By the Commission, Division 3.

[SEAL] W. P. BARTEL, Secretary.

[F. R. Doc. 43-14266; Filed, September 1, 1943; 10:24 a. m.l

> [Service Order 149, Amdt. 1] Part 95-Car Service

REICING OF POTATOES IN COLORADO AND UTAH

At a session of the Interstate Commerce Commission, Division 3, held at No. 174its office in Washington, D. C., on the 31st day of August, A. D. 1943.

Upon further consideration of Service Order No. 149 (8 F.R. 11852) of August 24, 1943, and it appearing that the supply of ice for icing perishables in the States of Colorado and Utah is extremely short and such shortage is affecting both intrastate and interstate movement of such traffic in refrigerator cars; in the opinion of the Commission an emergency exists requiring immediate action:

It is ordered, That Service Order No. 149 (8 F.R. 11852) of August 24, 1943, be, and it is hereby, amended by designating the first paragraph of § 95.318 (a) (1); and by adding the following paragraph (a) (2):

(a) (2) The Denver and Rio Grande Western Railroad Company (Wilson Mc-Carthy and Henry Swan, Trustees) shall not initially ice a refrigerator car or cars loaded with potatoes originating at points in Colorado (40 Stat. 101, Sec. 402, 41 Stat. 476, Sec. 4, 54 Stat. 801; 49 U.S.C. 1 (10)-(17)).

It is further ordered, That this order shall become effective immediately, and that a copy of this order and direction shall be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

By the Commission, Division 3. W. P. BARTEL, Secretary.

[F. R. Doc. 43-14267; Filed, September 1, 1943; 10:24 a. m.]

Subchapter C-Carriers by Water PART 306-TRANSFERS OF CERTIFICATES AND PERMITS TO OPERATE

306.1 Transfers approved only upon application. Transfers effected in section 5 (2) 306.2 preceedings.

Transfers not effected in section B 308.3

(2) proceedings. Required exhibits.

308.5 Form and style of application.

308.6 Procedure.

308.4

Transfers by fiduciaries. 306.7

Leases and contracts to operate. 306.8 306.9 Abandoned or suspended operations. 308.10 Attempted transfers.

AUTHORITY: §§ 306.1 to 306.10, inclusive. issued under ccc. 5 (2) (a), 54 Stat. 905.

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 4th day of August, A. D. 1943.

The matter of transfers, under section 312 of the Interstate Commerce Act, of certificates and permits to operate as a water carrier in interstate or foreign commerce, being under consideration, and the matter of the provision of adequate service and continuous operation in the public interest, under such certificates and permits by persons temporarily succeeding to rights thereunder, being also under consideration, and good cause appearing therefor:

It is ordered, That the following rules and regulations be, and they are hereby, approved and prescribed, and that from and after October 4, 1943, said rules and regulations shall be observed by water carriers subject to Part III of the Interstate Commerce Act and by all persons who are parties to transfers of such certificates and permits or to proceedings involving such transfers:

§ 306.1 Transfers approved only upon application. An order approving a transfer will be entered only upon the joint application of the person to whom the certificate or permit was issued, or such person's duly qualified legal representative, and of the person to whom it is proposed to transfer the certificate or permit.

§ 306.2 Transfers effected in section 5 (2) proceedings. If the person to whom it is proposed to transfer a certificate or permit is a carrier as defined in section 5 (13) of the Interstate Commerce Act and the proposed transfer is to be made in connection with any transaction requiring approval and authorization of the Commission under section 5 (2) of the Act, the parties to the transaction may join in the application for such approval and authorization and request approval of the proposed transfer in connection with such other transaction. Under such circumstance the application shall be made pursuant to the special instructions governing applications under section 5 (2) of the Act and, in addition to the information required by such special instructions, the transferee shall furnish the information required by paragraphs (n) and (o) of § 306.3.

§ 306.3 Transfers not effected in section 5 (2) proceedings. If the person to whom it is proposed to transfer a certificate or permit is not a carrier as defined in section 5 (13) of the Act. or the proposed transfer is not to be made in connection with any transaction requiring approval and authorization of the Commission under section 5 (2) of the Act, the application to transfer a certificate or permit shall show, in the order indicated, the following:

(a) Full and correct name of the transferor.

(b) Business address of the transferor (street, number, city, county, state).

(c) Title, date, and docket number of certificate or permit to be transferred. (d) Full and correct name of trans-

feree. (e) Business address of transferee (street, number, city, county state).

(f) Whether transferee is a corporation, partnership, association or individual, and (1) if transferee is a corporation, the government, state, or territory under the laws of which transferee is organized, and, if incorporated under the laws of, or authorized to operate in, more than one state, the facts in regard thereto; (2) if a corporation or association, the names and addresses of the directors and officers; (3) if a partnership, the names and addresses of the partners; and (4) if an association, partnership or individual, firm or trade name under which operations are conducted.

(g) Whether the transferee is a carrier as defined in section 5 (13) of the Interstate Commerce Act, or controls, is controlled by, or is under common control or otherwise affiliated with such a carrier. (See appendix for definition of "affiliated" as used in section 5 of the Act).

(h) All routes, both regular and irregular, over which transferor is authorized by its certificate or permit to operate; whether transferor was operating over all these routes on the date of the application; and, if not, the route or routes over which operations had ceased and the date on which operations ceased, with a full explanation of the circumstances causing cessation of operations.

(i) Vessels and other transportation facilities, showing for each vessel the name, and if documented, the official number, owned, leased or controlled and/or operated by the transferor and by the transferee on the date of the application, showing for each the number and description of vessels and the nature of other facilities.

(j) Whether the proposed transfer of the certificate or permit is part of a transaction involving the transfer of vessels or other facilities from the transferor to the transferee; and, if so, (1) the nature of the transaction, whether a sale, lease or operating contract, and (2) a description of the vessels and fa-

cilities to be transferred.

(k) If transferee does not propose to acquire vessels or other transcrtation facilities from the transferor, and does not own or lease such vessels or facilities, a statement showing (1) the vessels or facilities the transferee proposes to acquire for continuing operation under the certificate or permit, (2) the method of such acquisition, whether by purchase, lease or operating contract, and (3) the name, address and carrier status of the owner of such vessels and facilities.

(1) The purchase price, rental, or other consideration to be paid for vessels and other facilities which the transferee proposes to acquire.

(m) The transferee's general plan of financing its requirements for vessels and other transportation facilities.

(n) Experience of the transferee, and of its principal officers and operating personnel in transporting persons or property by water for hire.

(0) Any additional information to show that the proposed transferee is fit, willing, and able properly to perform the service authorized by the certificate or permit sought to be transferred and to conform to the provisions of Part III of the Interstate Commerce Act and the requirements, rules and regulations of the Commission thereunder.

(p) Reference to action by stock-holders or directors of applicant, if a corporation, by directors or members of applicant, if an association, and by the court having jurisdiction over applicant, if a trustee, receiver, or other flduciary, authorizing the proposed transaction and the making and filing

of the application, giving dates and places of meetings of stockholders, directors and associate members, and the date of the court's order.

(q) The name, title, and postoffice address of counsel or officer to whom correspondence in regard to the application is to be addressed.

§ 306.4 Required exhibits. The following exhibits shall be attached to and made a part of the application:

(a) As Exhibit 1, copy of each resolution or order to which reference is made in response to the requirements of paragraph (p) of § 306.3.

(b) As Exhibit 2, copy of all contracts or other written instruments entered into, or proposed to be entered into, pertaining to the proposed transfer and to the acquisition of vessels and other transportation facilities to be used in the proposed operations of the transferee.

(c) As Exhibit 3, general balance sheet statement of the transferee as of the close of the last preceding calendar year, and as of the latest available date of the current calendar year, or if transferee is an individual or a newly organized corporation, association or partnership, a statement of resources and liabilities with which the transferee proposes to begin operation pursuant to the certificate or permit.

(d) As Exhibit 4, income statement of the transferee for the last preceding calendar year and, separately, for the current calendar year to the last available date, or if the transferee is an individual or a newly organized corporation, association or partnership, an estimate of revenues, expenses, and income for the first three years of the proposed operation, and a statement showing the basis of such estimate.

(e) As Exhibit 5, a general or key map indicating clearly in colors, or otherwise, on a suitable scale, the line or lines, route or routes, and ports or points, involved in the proposed transfer. Three extra copies of the map should be submitted, unbound, for the use of the Commission.

§ 306.5 Form and style of application. The application and exhibits shall conform with § 1.15 of this chapter.

§ 306.6 Procedure. (a) The original application shall be signed in ink by the transferor and the transferee, if individuals, by all partners, if either transferor or transferee is a partnership, and, if either is a corporation, an association or other similar form of organization, by its president, vice president, auditor, comptroller or other executive officer having knowledge of the matters therein contained and duly designated for that purpose by such applicant, and shall be made under oath. The application shall show that any affiant acting for the transferor or transferee is duly authorized by such applicant to verify and file the same.

(b) There shall be filed with the Secretary of the Commission, Washington, D. C., the original application and 10 copies thereof for the use of the Commission. Each copy shall conform in all respects to the original and shall be com-

plete in itself except that the signature in the copies may be stamped or typed and the notarial seal omitted.

(c) The Commission upon receipt of the application and accompanying exhibits in proper form, will cause notice to be given to the governor of each state in which any port or point served by the transferor is located.

(d) The Commission, if it shall consider it necessary in order to determine whether the findings required for the entry of an order approving and authorizing a transfer may properly be made, will order a hearing upon the application, giving notice thereof to the applicants and such others as are interested in the proposed transfer.

(e) Within 10 days after the execution of any instrument or instruments whereby property together with operating rights under any certificate or permit is transferred with the approval and authorization of the Commission under the provisions of section 5 (2) of the Act, and within 10 days after the transfer or assignment of a certificate or permit not effected in section 5 (2) proceedings, the transferee shall file with the Commision, in duplicate, in the form in which they were executed, verified copies of such instrument, or instruments, or, in the absence of any such instrument, of the endorsement or other written evidence of the transfer or assignment. Upon receipt of such copies an appropriate certificate, or certificates, permit, or permits, superseding the certificate or permit transferred will be issued.

§ 306.7 Transfers bu flduciaries. (a) The temporary continuance of water-carrier operations without prior compliance with the provisions of the foregoing rules and regulations will be recognized as justified by the public interest in cases in which administrators and executors of deceased persons formerly operating as carriers, guardians of incapacitated persons formerly operating as carriers, a surviving partner or surviving partners collectively of dissolved partnerships, or trustees, receivers, conservators, assignees or other such persons who are authorized by law to collect and preserve property of financially disabled carriers, desire to continue the operations of the carriers whom they succeed in interest.

(b) Immediately upon any such succession, and in any event not more than 10 days thereafter, the successor shall give notice of the succession to the Secretary of the Interstate Commerce Commission, Washington, D. C., stating the names of the water carrier and of the successor, the date of the succession, the circumstances causing the succession, whether there has been any discontinuance of operations and, if so, for what period, and, if the representative capacity of the successor involves appointment by a judicial proceeding, enclosing a certified copy of such appointment.

(c) Such successors may continue to operate under the certificate or permit of the water carrier which they succeeded so long as they act in a temporary and representative capacity or until

the Commission shall otherwise order. All transfers by successors to other persons shall be subject to the foregoing sections of these rules and regulations.

(d) Such successors shall operate in the name of the prior holder of the certificate or permit followed by the name of the successor and a designation of his capacity. The use of such name on all papers filed in accordance with the requirements of Part III of the Interstate Commerce Act, or the rules and regulations prescribed thereunder, shall be sufficient compliance with any requirement, rule, or regulation that such papers be filed in the name of the holder of a certificate or permit.

§ 306.8 Leases and contracts to operate. In addition to the showing required in §§ 306.3 and 306.4, applicants who seek approval of a transfer of a certificate or permit for a limited period, whether by lease, operating contract or otherwise, shall agree in writing that such certificate or permit shall revert to the transferor at the expiration of the period for which the transfer is sought. or upon discontinuance of operation thereunder by the transferee at any time prior to the expiration of such period. In such case of reversion, the transferor shall give notice of that fact to the Commission, as provided in § 306.7 (b).

§ 306.9 Abandoned or suspended operations. The transfer of any certificate or permit under which operations are not being conducted at the time of the propose transfer will be approved only upon a showing that the suspension of operations was caused by circumstances over which the holder of the certificate or permit had no control, and that the water-carrier operations authorized under the certificate or permit sought to be transferred will be consistent with the public interest.

§ 306.10 Attempted transfers. No attempted transfer of any certificate or permit, whether by means of an attempted pledge of such certificate or permit, or by any action purporting to foreclose a pledge or lease against such certificate or permit, or by any attempt to levy execution against such certificate or permit in satisfaction of any judgment or claim against the holder thereof, shall become effective except upon full compliance with these rules and regulations and until after the Interstate Commerce Commission has approved such transfer upon application as herein provided.

And it is further ordered, That a copy of this order be served upon each common and contract carrier by water subject to Part III of the Interstate Commerce Act.

By the Commission, Division 4. [SEAL] W. P. BARTEL. Secretary.

[F. R. Doc. 43-14269; Filed, September 1, 1943; 10:24 a. m.]

# Notices

#### DEPARTMENT OF THE INTERIOR.

Bureau of Reclamation:

BLUE RIVER-SOUTH PLATTE PROJECT, COLORADO

FIRST FORM RECLAMATION WITHDRAWAL

AUGUST 7, 1943.

The Secretary of the Interior.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form of withdrawal as provided in section 3 of the Act of June 17, 1902 (32 Stat. 388).

BLUE RIVER-SOUTH PLATTE PROJECT Sixth Principal Meridian, Coloredo

T. 3 S., R. 72 W., Sec. 34, WYSWY, SEKSWY.

Respectfully.

H. W. BASHORE. Commissioner.

I concur August 17, 1943. FRED W. JOHNSON, Commissioner of the General Land Office.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

MICHAEL W. STRAUS, Assistant Secretary.

AUGUST 21, 1943.

[F. R. Doc. 43-14263; Filed, September 1, 1943; 9:53 a. m.]

#### FEDERAL POWER COMMISSION.

[Docket No. G-230]

Tennessee Gas and Translussion COMPANY

NOTICE OF FILING ALUNDED APPLICATION

August 31, 1943.

On August 23, 1943, the Tennessee Gas and Transmission Company filed with the Federal Power Commission its second amended application for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act as amended. Public hearings on the first amended application were concluded on June 15, 1943, and by order dated July 5, 1943, the matter was set for further hearing on September 8, 1943, at 9:45 a. m. in the Hearing Room of the Commission, Hurley-Wright Building, 1800 Pennsylvania Avenue, NW., Washington, D. C.

Notice is hereby given of the filing of the aforesaid second amended application for a certificate of public convenience and necessity authorizing the conestruction and operation of a War Emergency Trunk Line consisting of a main

transmission pipe line of 24-inch diameter, originating at a point near Driscoll, Nucces County, Texas, instead of from a point in Louisiana as proposed in the first amended application, and extending in a general northeasterly direction to Kenova, West Virginia, a total distance of approximately 1,156 miles. Applicant states that the filing of the second amended application was necessitated primarily because of a change in "its source of gas supply from the southern Louisiana area to the Gulf Coast Region of Texas." Applicant further states that construction of the proposed War Emergency Trunk Line is for the primary purpose of relieving the natural gas shortage in the Appalachian area.

Any person desiring to be heard or to make any protest with reference to said second amended application should, on or before the 8th day of September, 1943, file with the Federal Power Commission a petition or protest in accordance with the Rules of Practice and Regulations of the Commission.

[SHAL] LEON M. FUQUAY, Secretary.

[F.R.Dcc. 43-14264; Filed, September 1, 1943; 9:58 a. m.]

> [Docket No. IT-5837] JERSEY CENTRAL POWER & LIGHT COLIPANY

ORDER POSTPONING HEARING

August 30, 1943.

It appearing to the Commission that: (a) By order of July 15, 1943, the Commission set a hearing for September 1, 1943, on the proposed termination of an oral arrangement between Jersey Central Power & Light Company ("Jersey Central") and Public Service Electricand Gas Company ("Public Service"), for the interchange of economy power, and the cancellation of the written agreement of March 24, 1931, between the same companies for the interchange of emergency power;

(b) By letter received August 17, 1943, Jersey Central transmitted a "Memorandum Reducing to Writing the Oral Arrangement Between Jersey Central Power & Light Company and Public Service Electric and Gas Company with Respect to Economy Energy" and "revoked" the notice previously given with respect to termination of the interchange of

economy energy;

(c) Jersey Central, by letter received August 28, 1943, seeks postponement of the hearing in the above-entitled matter. heretofore set for September 1, 1943, and in support thereof represents that it will endeavor and expects to be able to enter into an agreement with Public Service Electric and Gas Company, modifying the agreement dated March 24, 1931, for supply of emergency energy, and represents that upon consummation of such supplemental agreement it will file the same with this Commission and withdraw its notice of cancellation of the agreement of March 24, 1931;

The Commission finds that:

Good' cause exists for the postponement of said hearing, and The Commis-. sion orders that:

The hearing heretofore set for September 1, 1943, in the above-entitled matter, be and the same hereby is postponed subject to the further order of the Commission.

By the Commission.

[SEAL]

LEON M. FUQUAY, Secretary.

[F. R. Doc. 43-14287; Filed, September 1, 1943; 11:15 a. m.]

# OFFICE OF ALIEN PROPERTY CUS-TODIAN.

[Divesting Order 6]

PATENT APPLICATION OF BERNHARD SPUR

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned:

1. Having, on November 2, 1942, vested, by Vesting Order No. 290, as property of Bernhard Spur, the property identified as follows:

Patent application identified as follows: Serial Number: 309,291. Filing Date: 2-14-39. Inventor: B. Spur. Title: Softcurd Milk.

2. Having found in said Vesting Order No. 290 that Bernhard Spur was a resident of Denmark and was a national of a foreign country (Denmark);

3. Having thereafter received an executed claim by or on behalf of Bernhard Spur, residing at Philadelphia, Pennsylvania, hereinafter called claimant, in which it was recited that the above entitled property was on the date of vesting owned by the said claimant;

4. Finding, as a result of further investigation, conducted subsequent to the date of vesting, that said property and all right, title and interest therein were at the time of vesting owned by claimant, and that the said claimant was at that time, and at all times since then has been and now is an individual residing in the United States;

5. Determining upon the basis of the facts at present known to the Alien Property Custodian that claimant is not a national of a designated enemy country;

6. Determining that the aforesaid vesting was effected by the undersigned under mistake of fact:

7. Having received no other claim or notice of claim on Form APC-1 or otherwise, to the said property or to any interest therein, or arising as a result of said vesting order, and having no knowledge of any interest in such property held by any national of any foreign country;

8. Having neither assigned, transferred, or conveyed to anyone the said property or any part thereof or any interest therein, nor issued any license with respect thereto, nor in any manner created any right or interest in any person whomsoever;

9. Determining that the error committed in vesting said property should be corrected by assigning and conveying said property to said claimant, and that such disposition of the said claim, being for the purpose of correcting a mistake in vesting such property originally, does not require the filing of any further claim, nor any further hearing;

Having made all determinations and taken all action required by law; and

Determining that under the aforesaid circumstances the disposition hereinafter effected is in the interest of and for the benefit of the United States, hereby orders that the aforesaid property be assigned to claimant.

Now, therefore, the undersigned, without warranty, assigns, transfers, and conveys to claimant the property identified in subparagraph 1 hereof.

Executed at Washington, D. C. on August 6, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-14272; Filed, September 1, 1943; 10:30 a. m.]

#### [Vesting Order 342]

INTEREST OF PARTNERS IN OHMI SHOTEN

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding that the property described as follows:

All right, title and interest as copartners in and to Ohmi Shoten, a Hawaiian partnership, Honolulu, Territory of Hawaii, which is a business enterprise within the United States, of each of the persons whose names and last known addresses are, respectively, as follows:

Names and last known addresses

Yoshito Mishima, Kyoto, Japan. Uheiji Okube, Kyoto, Japan. Koichi Kurisu, (alien detention camp).

is property of nationals, and represents ownership of said business enterprise which is a national, of a designated enemy country (Japan), and determining that to the extent such national is a person not within a designated enemy country the national interest of the United States requires that such person be treated as a national of the aforesaid designated enemy country, and having made all determinations and taken all action, after appropriate consultation and certification, required by said Executive Order or Act or otherwise, and deeming it necessary in the national interest, hereby vests such property in the Alien Property Custodian, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained

shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national", "designated enemy country" and "business enterprise within the United States" as used herein shall have the meanings prescribed in section 10 of said Executive Order.

Executed at Washington, D. C., on November 6, 1942.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-14270; Filed, September 1, 1943; 10:29 a. m.]

[Vesting Order 1493]

PAUL MANTHEY, ET AL.

Re: First mortgage, insurance policies and a claim owned by Paul Manthey and others.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Paul Manthey, August Manthey, Marie Schutte and Anna Koselko are residents of Germany and are nationals of a designated enemy country (Germany);

2. Finding that Paul Manthey, August Manthey, Marie Schutte and Anna Koselko are the owners of the property described in subparagraph 3 hereof:

3. Finding that the property described as

follows:

a. All right, title, and interest, of Paul Manthey, August Manthey, Marie Schutte and Anna Koselke, and each of them, in and to all obligations secured by an unrecorded assignment of mortgage originally recorded in the Register's Office of Kings County, New York, in Liber 6175 of Mortgages, Page 260, including but not limited to all security rights in and to any and all collateral (including the aforesaid first mortgage) for any or all of such obligations and the right to enforce and collect such obligations, and the right to the possession of all notes, bonds and/or other instruments evidencing such obligations,

b. All right, title, and interest of Faul Manthey, August Manthey, Marie Schutte and Anna Koselke, and each of them, in and to fire insurance policy No. 621744, issued by The Hartford Fire Insurance Company of Hartford, Hartford, Connecticut, and covering the property described in Exhibit "A" attached hereto and by reference made a part hereof, and

c. All right, title, interest and claim of any name or nature whatsoever of Paul Manthey, August Manthey, Marie Schutte and Anna Koselke, in and to any and all obligations, contingent or otherwise and whether or not matured, owing to Paul Manthey, August Manthey, Marie Schutte and Anna Koselko, and any of them, by Richter & Kaiser, Inc., and represented on the books of Richter & Kaiser, Inc., as a credit balance due Paul Manthey, August Manthey, Marie Schutte and Anna Koselke, including but not limited to all security rights in and to any and all collateral for any and all such obligations, and the right to enforce and collect such obligations.

is property within the United States owned or controlled by nationals of a designated enemy country (Germany);

4. Determining that the property described in subparagraphs 3-b and 3-c hereof is necessary for the maintenance or safeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to

the same national of the same designated enemy country and subject to vesting (and in fact vested by this order) pursuant to Section 2 of said Executive Order;

5. Having made all determinations and taken all action, after appropriate consulta-tion and certification, required by said Executive Order or Act or otherwise; and

6. Deeming it necessary in the national interest:

hereby vests in the Alien Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Alien Property Custodian. This shall not be deemed to limit the powers of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodian a notice of his claim, together with a request for a hearing thereon, on Form APC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10

of said Executive Order.

Executed at Washington, D. C. on May 17, 1943.

[SEAL]

LEO T. CROWLEY, Alien Property Custodian.

# EXHIBIT "A"

· All that certain plot, piece or parcel of land with the buildings thereon erected or to be erected and all fixtures and articles attached or to be attached to or used in connection with said premises, situate, lying and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows, to wit:

Beginning at a point on the westerly side of Montauk Avenue distant 173 feet 4 inches southerly from the corner between inter-section of the westerly side of Montauk Avenue with the southerly side of Linden Boulevard; running thense westerly parallel with Linden Boulevard 100 feet; thence northerly parallel with Montauk Avenue 18 feet 4 inches; thence easterly parallel with Linden Boulevard 12 feet 1% inches; thence northerly 8 feet 5¼ inches to a point in a line drawn at right angles to the westerly side of Montauk Avenue and distant 86 feet 634 inches westerly therefrom; thence easterly along the last said mentioned line and parallel with Linden Boulevard 86 feet 6% inches to the westerly side of Montauk Avenue; thence southerly along the westerly side of Montauk Avenue 26 feet 8 inches to the point or place of beginning.

Together with all the right, title and interest of the party of the first part of, in and to the land lying within the bed of the street or avenue in front of and adjoining the said premises to the centre line thereof.

[F. R. Doc. 43-14273; Filed, September 1, 1943; 10:29 a. m.]

#### [Vesting Order 1548]

INTEREST IN REAL PROPERTY, AND CLAIM, OWNED BY ROBERT BUZ

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation:

1. Finding that Robert Buz is a resident of Germany, whose last known address is Augsburg, Germany, and is a national of a designated enemy country (Germany);
2. Finding that Robert Buz is the owner

of the property described in subparagraph 3 hereof:

3. Finding that the property described as follows:

a. All right, title, interest and estate, both legal and equitable, of Robert Buz, and of every other national of a designated enemy country, in and to an undivided 1% interest in the real property situated in Detroit, Wayne County, Michigan, particularly de-scribed in Exhibit A, attached hereto and by reference made a part hereof, together with all the fixtures, improvements and appurtenances thereto, and any and all claims of Robert Buz, and of every other national of a designated enemy country, for rents, re-funds, benefits or other payments arising from the ownership of such property, includ-ing but not limited to all of the right, title and interest of Robert Buz in and to a certain agreement executed on December 15, 1933, by Helen F. Isham, Grace F. Leggett, Robert Buz and Alexandra Buz Raba as parties of the first part and Detroit Trust Company as party of the second part,

b. All right, title, interest and claim of any name or nature whatcover of Robert Buz, and of every other national of a designated enemy country, in and to any and all obligations owing to Robert Buz by Detroit Trust Company, arising from an agreement dated December 15, 1933, pursuant to which said Detroit Trust Company manages the real property described in subparagraph 3-a

hereof.

is property within the United States owned or controlled by a national of a designated enemy country (Germany); 4. Determining that the property de-

scribed in subparagraph 3-b hereof is necessary for the maintenances or cafeguarding of other property (namely, that hereinbefore described in subparagraph 3-a) belonging to the same national of the came designated enemy country and subject to vesting (and in fact vested by this order) pursuant to section 2 of said Executive Order;

5. Determining that to the extent that such national is a person not within a decignated enemy country, the national interest of the United States requires that such person be treated as a national of the aforecald designated enemy country (Germany):

6. Having made all determinations and taken all action, after appropriate concultation and certification, required by cald Executive Order or Act or otherwise; and

7. Deeming it necessary in the national

hereby vests in the Allen Property Custodian the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwice dealt with in the interest of and for the benefit of the United States.

Such property, and any or all of the proceeds thereof, shall be held in an appropriate special account or accounts, pending further determination of the Allen Property Custodian. This shall not be deemed to limit the powers of the Allen Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return should be made or such compensation should be paid.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may file with the Alien Property Custodlan a notice of his claim, together with a request for a hearing thereon, on Form AFC-1, within one year from the date hereof, or within such further time as may be allowed by the Alien Property Custodian. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of

said Executive Order.

Executed at Washington, D. C., on May 27, 1943.

[SEAL]

LEO T. CROWLEY. Alien Property Custodian.

All those certain pieces or parcels of land, cituate, lying and being in the City of De-troit, County of Wayne, State of Michigan, known and described as follows, to-wit:

Lots one and two (1 and 2) and the Northerly six and seventy-one one-hundredths (6.71) feet of Lot three (3) of the Plat of the Subdivision of Lots 1, 2, 3 and 4 of the Subdivision of Park Lot seventy-five (75), according to the plat thereof recorded in Liber. 22 of Plats on page 14, Wayne County Register of Deeds Office.

[F. R. Doc. 43-14274; Filed, September 1, 1943; 10:29 a. m.]

# [Vesting Order 1962] GENZO SHIMADZU

Re: Interests of Genzo Shimadzu in an agreement with Northeastern Engineering Corporation relating to patent number 1.584.479.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Genzo Shimadzu is a citizen and resident of Japan and is a national of a foreign country (Japan);

2. That the property described in subparagraph 3 hereof is property of Genzo Shimadzu:

3. That the property described as follows:

All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Genzo Shimadzu by virtue of an agreement dated February 14, 1933 (including all medifications of and supplements to such agreement, including, but without limitation, a memorandum of agreement between Genzo Shimadzu and North-

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eastern Engineering Corporation, dated March 7, 1933, a memorandum of agreement between Genzo Shimadzu and Northeastern Engineering Corporation, dated September 28, 1934, and an agreement between Genzo Shimadzu and Northeastern Engineering Corporation, dated December 28, 1934) between Genzo Shimadzu and Northeastern Engineering Corporation relating among others to Patent No. 1,584,479.

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, a national of a foreign country (Japan);

And having made all determination and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended. Executed at Washington, D. C., on Au-

gust 6, 1943.

[SEAL] LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-14275; Filed, September 1, 1943; 10:29 a. m.]

# [Vesting Order 1963]

HANS WITTEMEIER AND DEUTSCHE LUFT-FILTER BAUGESELLSCHAFT, M. B. H.

Re: Interests of Hans Wittemeier and the Deutsche Luftfilter Baugesellschaft. m.b. H. in a contract with Midwest Steel & Supply Company.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Hans Wittemeier is a resident of Germany and is therefore a national of a foreign country (Germany);

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2. That Deutsche Luftfilter Baugesellschaft, m. b. H. is a corporation organized under the laws of Germany and is therefore a national of a foreign country (Germany);

3. That the property described in subparagraph 4 hereof is property of Hans Wittemeier and Deutsche Luftfilter Baugesellschaft. m. b. H.;

4. That the property described as follows: All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement herein-after described, together with the right to sue therefor) created in Hans Wittemeier and Deutsche Luftfilter Baugesellschaft m. b. H., and each of them, by virtue of an agreement dated June 1, 1925 (including all modifications thereof and supplements thereto, including, but not by way of limitation, supplements to the foregoing agreement executed December 9, 1931 and June 1, 1936 by Hans Wittemeier, Deutsche Luftfilter Baugesellschaft, m. b. H. and Midwest Manufacturing Co., Inc.) by and between Hans Wittemeier, Deutsche Luftfilter Baugesellschaft, m. b. H. and Midwest Steel and Supply Co., Inc., which agreement relates, among other things, to United States Letters Patent No. 1,521,575,

is property payable or held with respect to patents or rights related thereto in which interests are held by, and such property itself constitutes interests held therein by, nationals of a foreign country (Germany);
And having made all determinations and

taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national interest.

hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this Order may, within one year from the date hereof, or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order No. 9095, as amended..

Executed at Washington, D. C. on August 6, 1943.

[SEAL] LEO T. CROWLEY. Alien Property Custodian.

[F. R. Doc. 43-14276; Filed, September 1, 1943; 10:30 a. m.]

[Vesting Order 1964]

# PERMUTIT A. G., ET AL.

Re: Interests of Permutit A. G., Societe Anonyme des Etablissements Phillips & Pain, of France, and Societe Anonyme des Etablissements Phillips & Pain, of Belgium, in agreements relating to patents.

Under the authority of the Trading with the Enemy Act, as amended, and Executive Order No. 9095, as amended, and pursuant to law, the undersigned, after investigation, finding:

1. That Permutit A. G. is a company organized under the laws of Germany and is therefore a national of a foreign country

(Germany);
2. That Societe Anonyme des Etablissoments Phillips & Pain of Paris, France is a company organized under the laws of France and is therefore a national of a foreign coun-

try (France);
3. That Societe Anonyme des Etablissements Phillips & Pain of Bruxelles, Belgium, is a company organized under the laws of Belgium and is therefore a national of a foreign country (Belgium);

4. That the property identified in subparagraph 6a hereof is property of Permutit A. G., Societe Anonyme des Etablissements Phillips & Pain of Paris, France and Societe Anonyme des Etablissements Phillips & Pain of Brux-

elles, Belgium;
5. That the property identified in subparagraphs 6b to 60, inclusive, is property of

Permutit A. G.:

6. That the property described as follows: (a) All interests and rights (including all royalties and other monies payable or held with respect to such interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit A. G., Societe Anonyme des Etablissements Phillips & Pain of Paris, France, and Societe Anonyme des Etablissements Phillips & Pain of Bruxelles, Belgium, and each of them, by virtue of an agreement dated October 17, 1930 by and between The Permutit Company, United Water Softeners, Limited, and Permutit A. G. (including all modifications thereof and supplements thereto, and including, but without limited without limitation, a supplemental agree-ment dated November 17, 1932 between The Permutit Company, the United Water Soft-eners, Limited, Permutit A. G., Societe Anonyme des Etablissements Phillips & Pain of Paris, France, Societe Anonyme des Etab-lissements Phillips & Pain of Bruxelles, Belgium, and Purificadores de Agua, S. A.) which

United States Letters Patent No. 2,191,060, (b) All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated October 15, 1934 (including all modifications thereof and supplements thereto, if any) by and between said Permutit A. G. and The Permutit Company, which agreement relates, among other things, to Patent No. 1,787,008.

agreement relates, among other things, to

(c) All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated October 15. 1934 (including all modifications thereof and supplements thereto, if any) by and between said Permutit A. G. and The Permutit Company, which agreement relates, among other things, to Patent No. 1,831,673,

(d) All interests and rights (including all

royalties and other monies payable or held

with respect to said interests and rights and all damages for breach of the agreement here-inafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated October 15, 1934 (including all modifications thereof and supplements thereto, if any) by and be-tween said Permutit A. G. and The Permutit Company, which agreement relates, among other things, to Patent No. 1,849,985, (e) All interests and rights (including all

royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated October 15. 1934 (including all modifications thereof and supplements thereto, if any) by and between said Permutit A. G. and The Permutit Company, which agreement relates, among other

things, to Fatent No. 1,860,781,

(f) All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hareing the described tracher with the right hereinafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated October 15, 1934 (including all modifications thereof and supplements thereto, if any) by and between said Permutit A. G. and The Permutit Company, which agreement relates, among other things, to Patent No. 1,906,166,

(g) All interests and rights (including all (g) All interests and rights (microung an royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated October 15, 1934 (including all modifications thereof and supplements thereto, if any) by and between said Permutit A. G. and The Permutit Company, which agreement relates, among other things, to Patent No. 1,920,755.

(h) All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated January 21, 1937 (including all modifications thereof and supplements thereto, if any) by and between said Permutit A. G. and The Permutit Company, which agreement relates, among other things, to Patent No. 2.155,318,

(i) All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit 19, 1937 (including all modifications thereof and supplements thereto, if any) by and between said Permutit A. G. and The Permutit Company, which agreement relates, among other things, to Patent No. 2,164,156.

(j) All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated December 16, 1938 (including all modifications thereof and supplements thereto, if any) by and be-tween said Permutit A. G. and The Permutit Company, which agreement relates, among other things, to Patent No. 2,191,059,

(k) All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated April 27, 1939 (including all medifications thereof and supplements thereto, if any) by and between

said Permutit A. G. and The Permutit Company, which agreement relates, among other things, to Patent No. 2,191,000, granted on application Serial No. 264,636, filed March 24,

(1) All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated September 3, 1935 (including all medifications thereof and supplements thereto, if any) by and between said Fermutit A. G. and The Permutit Company, which agreement relates, among other things, to Patent No. 2203,067.
(m) All interests and rights (including all

royalties and other monies payable or held with respect to cold interests and rights and with respect to cald interests and rights and all damages for breach of the egreement hereinafter described, together with the right to sue therefor) created in Permutit A. G. by virtue of an agreement dated August 10, 1937 (including all medifications thereof and supplements thereto, if any) by and between sold Permutit A. G. and The Permutit A. tween said Permutit A. G. and The Permutit Company, which agreement relates, among other things; to Patent No. 2,226,124,

(n) All interests and rights (including all royalties and other monics payable or held with respect to said interests and rights and all damages for breach of the egreement hereinafter described, together with the right fo sue therefor) created in Fermutit A. G. by virtue of an agreement dated February 20, 1939-(including all medifications thereof and supplements thereto, If any) by and between said Fermutit A. G. and The Fermutit Company, which agreement relates, among other things, to Fatent No. 2,267,631,

(o) All interests and rights (including all royalties and other monies payable or held with respect to said interests and rights and all damages for breach of the agreement hereinafter described, together with the right to sue therefor) created in Permulit A. G. by virtue of an agreement dated May 28, 1933 on the distribution of the permutit A. G. and The Permutit Company, which agreement relates, among other things to Patent Application Serial No. 200,243, flied April 5, 1938,

is property payable or held with respect to patents or rights related thereto in whichinterests are held by, and such property itself constitutes interests held therein by, nationals of foreign countries (Germany, France, Belgium);

And having made all determinations and taken all action required by law, including appropriate consultation and certification, and deeming it necessary in the national

Hereby vests in the Alien Property Custodian the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest and for the benefit of the United States.

Such property and any or all of the proceeds thereof shall be held in an appropriate account or accounts, pending further determination of the Alien Property Custodian. This order shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof in whole or in part, nor shall it be deemed to indicate that compensation will not be paid in lieu thereof, if and when it should be determined to take any one or all of such actions.

Any person, except a national of a designated enemy country, asserting any claim arising as a result of this order may, within one year from the date hereof or within such further time as may be allowed, file with the Alien Property Custodian on Form APC-1 a notice of claim, together with a request for a hearing thereon. Nothing herein contained shall be deemed to constitute an admission of the existence, validity or right to allowance of any such claim.
The terms "national" and "designated

enemy country" as used herein shall have the meanings prescribed in Section 10 of Executive Order No. 9035, as amended. Executed at Washington, D. C. on

August 6, 1943.

[SEAL] LEO T. CROWLEY, Alien Property Custodian.

[F. R. Doc. 43-14277; Filed, September 1, 1943; 10:30 a. m.]

ESTATE OF HERMANN KIND: GRADE AND SCHEIDT, INC.

MOTICE OF HEARING BEFORE VESTED PROPERTY CLARIS COMMITTEE

Whereas, on January 27, 1943, the Alien Property Custodian issued Vesting Order No. 770 (8 Fed. Reg. 2453) vesting 100 shares of the common capital stock of Graef and Schmidt, Inc., a New York Corporation, in which vesting order, among other things, there was recited a finding of the Alien Property Custodian that the said shares of stock, registered in the names of Johanna M. Kind, Emilio (sometimes known as "Emil") Iwersen and Hermann H. Kind, as trustees of the Estate of Hermann Kind, were beneficially owned by J. A. Henckels Kommandit Gesellschaft, a national of a designated enemy country (Germany);

Whereas, the Estate of Hermann Kind has filed Claim No. 401, wherein it is alleged that the "above mentioned stock legally and beneficially belonged to the Estate of Hermann Kind since November 6, 1939 \* \* \* "

Now, therefore, it is ordered, Pursuant to the regulations heretofore issued by the Alien Property Custodian (7 Fed. Reg. 2296), that a hearing on the claim be held before the Vested Property Claims Committee on September 15, 1943, at 10 A. M. Eastern War Time, in Room 411, National Press Building, 14th and F Streets, N. W., Washington, D. C., to con-tinue thereafter at such time and places as the Committee may determine.

It is further ordered, That copies of this notice of hearing be served by registered mail upon the following persons: Johanna M. Kind, as trustee of the Estate of Hermann Kind and as beneficiary under the Will of Hermann Kind: Hermann H. Kind, as trustee of the Estate of Hermann Kind and as beneficiary under the Will of Hermann Kind: Ilse Kuch, a beneficiary under the Will of Hermann Kind; Gartrude Benjamin, a beneficiary under the Will of Hermann Kind; O'Connor and Farber, Esgs., attorneys for the Estate of Hermann Kind; Graef and Schmidt, Inc.; Fifth Avenue Cutlery Shop, Inc.; and that this notice of hearing be published in the FEDERAL Any person desiring to be heard either in support of or in opposition to the claim may appear at the hearing, and is requested to notify the Vested Property Claims Committee, Office of Alien Property Custodian, National Press Building, 14th and F Streets, N. W., Washington (25), D. C., on or before September 11, 1943.

The foregoing characterization of the claim is for informational purposes only, and shall not be construed to constitute an admission or an adjudication by the Office of Alien Property Custodian as to the nature or validity of the claim. Copies of the claim and of the said vesting order are available for public inspection at the above address.

[SEAL] VESTED PROPERTY CLAIMS
COMMITTEE,
JOHN C. FITZGERALD,
Chairman.
MICHAEL F. KRESKY.
CHARLES O. HARDY.

[F. R. Doc. 43-14271; Filed, September 1, 1943; 10:31 a. m.]

# OFFICE OF DEFENSE TRANSPORTATION.

[Supp. Order ODT 3, Rev.-55]

POWELL BROTHERS TRUCK LINES, INC., MISSOURI AND ARKANSAS TRANSPORTA-TION CO.

COORDINATED OPERATIONS BETWEEN LITTLE ROCK AND GATEWAY, ARK.

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Powell Brothers Truck Lines, Inc., Springfield, Missouri, and Missouri and Arkansas Transportation Company, Harrison, Arkansas, to facilitate compliance with the requirements of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1, and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between Little Rock and Gateway, Arkansas, and intermediate points, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved and the carriers are directed to put the plan in operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

- 2. Each of the carriers forthwith shall file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.
- 3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.
- 4. The provisions of this order shall not be so construed or applied as to require either carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit either carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of either carrier named herein. such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.
- 5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.
- 6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.
- 7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised 55" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, E. C.

This order shall become effective September 3, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly

proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-14305; Filed, September 1, 1943; 11:39 a. m.]

NEWSPAPERS OF WASHINGTON, D. C. RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), The Evening and Sunday Star, Washington Times-Herald, Washington Daily News, and the Washington Post, all of Washington, D. C., herein called the Star, Times-Herald, News, and Post, respec-tively, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of newspapers in Washington, D. C., and neighboring municipalities in Maryland and Virginia.

The participants in the plan propose to eliminate wasteful operations in the distribution of newspapers by motor vehicle by pooling their delivery services. Under the plan it is proposed, wherever practical, to consolidate newsstand and street sales deliveries of the "Bulldog" editions of the Post and Times-Herald. and of all editions of the Star, Times-Herald, and News, in those areas where vehicle capacities are available; to consolidate bulk deliveries to the post office, railroad stations and similar points; to consolidate deliveries on rural routes where exclusive delivery facilities are now operated by both the Times-Herald and the Post in the morning and by both the Star and the Times-Herald in the afternoon, wherever vehicle capacities are available; and to consolidate bundle deliveries of home delivery copies to substations, branch offices, and other points of distribution, wherever vehicle capacities are available. Pursuant to the plan the participants have agreed to specific consolidations of delivery routes which will result in estimated savings of 3,588 truck-miles a week. Joint selling activities are not contemplated.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under Section 12

Filed as part of the original document.

of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-14304; Filed, September 1, 1943; 11:36 a. m.]

# · LAMAR, COLORADO, DAIRIES

RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials, and supplies (General Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), O. P. Miller, Mack Hollis, and Arthur Mayhew, all of Lamar, Colorado, doing business as Riverside Dairy, Green Mountain Dairy, and Superior Dairy, respectively, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of dairy products in Lamar, Colorado.

The participants plan to conserve commercial motor vehicle equipment, parts, and tires by reducing their local retail delivery service in Lamar to a maximum

of every other day.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under Section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan is requisite to the prosecution of the war.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTMAN,
Director,
Office of Defense Transportation.

[F. R. Doc. 43-14303; Filed, September 1, 1943; 11:36 a. m.]

DAIRY PRODUCTS IN NORWALK, OHIO RECOMMENDATION OF JOINT ACTION PLAN

Pursuant to a provision of a general order issued by the Office of Defense Transportation for the purpose, among others, of conserving and providently utilizing motor vehicles and vital equipment, materials and supplies, (General

Order ODT 17, as amended, 7 F.R. 5678, 7694, 9623; 8 F.R. 8278, 8377, 10910), Norwalk Pure Milk, Inc., Bell's Dairy, Maple City Dairy, and Balley Dairy, all of Norwalk, Ohio, have filed with the Office of Defense Transportation for approval a joint action plan relating to the transportation and delivery by motor vehicle of dairy products in Norwalk.

The participants in the plan propose to eliminate waste in the transportation and delivery of dairy products by limiting deliveries to an every-other-day basis. They estimate that this will save 40 percent of their present truck-mileage.

It appearing that the proposed joint action plan is in conformity with General Order ODT 17, as amended, and that the effectuation thereof will accomplish substantial conservation and efficient utilization of motor trucks and vital materials and supplies, the attainment of which purposes is essential to the successful prosecution of the war, I have approved the plan and recommend that the Chairman of the War Production Board find and certify under Section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with said joint action plan, is requisite to the prosecution of the war.

Issued at Washington, D. C., this 30th day of August 1943.

JOSEPH B. EASTLIAN,
Director,
Office of-Defense Transportation.

[F. R. Doc. 43-14302; Filed, September 1, 1943; 11:35 a. m.]

[Supp. Order ODT 3, Rev. 531

Anderson Motor Service, et al.

COORDINATED OPERATIONS DETWEEN POINTS
IN ILLINOIS AND LUSSOURI

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by Anderson Motor Service, a corporation, of St. Louis, Missouri, Burlington Transportation Company, a corporation, of Chicago, Illinois, Adams Transfer & Storage Co., a corporation, of Kansas City, Missouri, Roadway Express, a corporation, of Akron, Ohio, Knaus Truck Lines, Inc., a corporation, of Kansas City, Missouri, and Orscheln Brothers Truck Lines, a corporation, of Moberly, Missouri, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1, and
It appearing that the carriers pro-

It appearing that the carriers propose, by the plan, to coordinate their operations as common carriers of property by motor vehicle, between points in Illinois and Missouri, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment,

<sup>1</sup>Filed as part of the original document.

and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved, and the carriers are directed to put the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in

conflict therewith.

- 2. Each of the carriers shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.
- 3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.
- 4. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense

Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary

No. 174-10

bodies for special permission for such

tariffs or supplements to become effec-

tive on the shortest notice lawfully per-

missible, but not prior to the effective

the plan shall be transported pursuant

to the lawfully applicable rates, charges,

rules, and regulations of the diverting

not be so construed or applied as to

require any carrier named herein to per-

form any service beyond its transporta-

tion capacity, or to authorize or require

any act or omission which is in violation of any law or regulation, or to permit

any carrier to alter its legal liability to

any shipper. In the event that com-

pliance with any term of this order, or

4. The provisions of this order shall

3. Shipments diverted in execution of

date of this order.

carrier.

Order ODT 3, Revised-58" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Wash-

ington, D. C.

This order shall become effective September 4, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 1st

day of September 1943.

JOSEPH B. EASTMAN, Director; Office of Defense Transportation.

[F. R. Doc. 43-14284; Filed, September 1, 1943; 10:54 a. m.]

[Supp. Order ODT 3, Rev. 57]

RED ARROW FREIGHT LINES, INC., ET AL. COORDINATED OPERATIONS BETWEEN POINTS TN TEXAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the Red Arrow Freight Lines, Inc., Houston, Texas, and W. A. , Johnson, doing business as Johnson Motor Lines, Ft. Worth, Texas, pursuant to \$ 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,1 and

It appearing that the carriers propose by the plan to coordinate their operations as common carriers of property by motor vehicle between points in Texas, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of

motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war, It is hereby ordered, That:

1. The plan for joint action above re-

ferred to is hereby approved, and the carriers are directed to put the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in

conflict therewith.

2. Each of the carriers shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law, and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to, such regulatory body or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority. 5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the pro-

Transportation. 6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation be-

visions of such plan shall be kept avail-

able for examination and inspection at

all reasonable times by accredited rep-

resentatives of the Office of Defense

yond the effective period of this order. 7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-57" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective September 4, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 1st day of September 1943.

JOSEPH B. EASTMAN, Director Office of Defense Transportation.

[F. R. Doc. 43-14283; Filed, September 1, 1943; 10:56 a. m.]

[Supp. Order ODT 3, Rev. 59]

RED ARROW FREIGHT LINES, INC., ET AL. COORDINATED OPERATIONS BETWEEN POINTS IN TEXAS

Upon consideration of a plan for joint action filed with the Office of Defense Transportation by the Red Arrow Freight Lines, Inc., a corporation, of Houston,

Texas, English Freight Company, a corporation, of Dallas, Texas, and Henry E. English, an individual, doing business as Red Ball Motor Freight Lines, Dallas, Texas, pursuant to § 501.9 of General Order ODT 3, Revised, as amended (7 F.R. 5445, 6689, 7694; 8 F.R. 4660), a copy of which plan is attached hereto as Appendix 1,1 and

It appearing that the carriers propose, by the plan, to coordinate their operations as common carriers of property by motor vehicle between points in Texas, by suspending the transportation of certain shipments and by diverting traffic in such way as to produce increased lading and more efficient utilization of

motor vehicles, and

It further appearing that the proposed coordination of operations is necessary in order to assure maximum utilization of the facilities, services and equipment, and to conserve and providently utilize vital equipment, materials and supplies, of the carriers, and to provide for the prompt and continuous movement of necessary traffic, the attainment of which purposes is essential to the successful prosecution of the war. It is hereby ordered, That:

1. The plan for joint action above referred to is hereby approved, and the carriers are directed to put the plan into operation forthwith, subject to the following provisions, which shall supersede any provisions of such plan that are in conflict therewith.

- 2. Each of the carriers shall forthwith file a copy of this order with the appropriate regulatory body or bodies having jurisdiction over any operations affected by this order, and likewise shall file, and publish in accordance with law. and continue in effect until further order, tariffs or supplements to filed tariffs, setting forth any changes in rates, charges, operations, rules, regulations and practices of the carrier which may be necessary to accord with the provisions of this order and of such plan; and forthwith shall apply to such regulatory body or bodies for special permission for such tariffs or supplements to become effective on the shortest notice lawfully permissible, but not prior to the effective date of this order.
- 3. Shipments diverted in execution of the plan shall be transported pursuant to the lawfully applicable rates, charges, rules, and regulations of the diverting carrier.
- 4. The provisions of this order shall not be so construed or applied as to require any carrier named herein to perform any service beyond its transportation capacity, or to authorize or require any act or omission which is in violation of any law or regulation, or to permit any carrier to alter its legal liability to any shipper. In the event that compliance with any term of this order, or effectuation of any provision of such plan, would conflict with, or would not be authorized under, the existing interstate or intrastate operating authority of any carrier named herein, such carrier forthwith shall apply to the appropriate regulatory body or bodies for the granting of such operating authority as may be requisite to compliance with the terms of this order, and shall prosecute

Filed as part of the original document.

such application with all possible diligence. The coordination of operations directed by this order shall be subject to the carriers' possessing or obtaining the requisite operating authority.

5. All records of the carriers pertaining to any transportation performed pursuant to this order and to the provisions of such plan shall be kept available for examination and inspection at all reasonable times by accredited representatives of the Office of Defense Transportation.

6. The plan for joint action hereby approved and all contractual arrangements made by the carriers to effectuate the plan shall not continue in operation beyond the effective period of this order.

7. Communications concerning this order should refer to "Supplementary Order ODT 3, Revised-59" and, unless otherwise directed, should be addressed to the Division of Motor Transport, Office of Defense Transportation, Washington, D. C.

This order shall become effective September 4, 1943, and shall remain in full force and effect until the termination of the present war shall have been duly proclaimed, or until such earlier time as the Office of Defense Transportation by further order may designate.

Issued at Washington, D. C., this 1st

day of September 1943.

JOSEPH B. EASTMAN, Director,

Office of Defense Transportation. [F. R. Doc. 43-14285; Filed, September 1, 1943; 10:53 a. m.]

[Supp. Order ODT 3, Rev. 41, Amdt. 1] Adams Transfer & Storage Co. and Chief FREIGHT LINES Co.

COORDINATED OPERATIONS BETWEEN POINTS IN MISSOURI, KANSAS, AND OKLAHOMA

-Upon consideration of the application for an order amending Supplementary Order ODT 3, Revised-41 (8 F.R. 9584), filed with the Office of Defense Transportation by Adams Transfer & Storage Company, a corporation, and Chief Freight Lines Company, a corporation, both of Kansas City, Missouri, and good cause appearing therefor, It is hereby ordered, That paragraph 1 of Supplementary Order ODT 3, Revised-41 is hereby amended to read as follows:

1. Adams shall suspend the transportation in interstate commerce on its routes between Kansas City, Missouri, and Tulsa, Oklahoma, of shipments in less-than-truckload lots moving between Kansas City and Tulsa and the intermediate points of Altoona, Canay, Cherryvale, Coffeyville, Earlton, Fredonia, Independence, Liberty, Neodesha, Thayer, Kansas; Copan, Bartlesville, Collins-

ville, Dalaware, Dawey, Glenoak, Lenapah, and Watova, Oklahoma, including shipments moving through Kansas City or Tulsa, and divert such shipments to Chief.

This amendment shall become effective on September 1, 1943.

Issued at Washington, D. C., this 1st day of September 1943.

> JOSEPH B. EASTMAN. Director, Office of Defense Transportation.

[F. R. Doc. 43-14286; Filed, September 1, 1943; 10:56 a. m.]

# OFFICE OF PRICE ADMINISTRATION.

LIST OF INDIVIDUAL ORDERS UNDER GRANT-ING ADJUSTMENTS, ETC., PRICE REGULA-TIONS

The following order was filed with the Division of the Federal Register on Augușt 28, 1943.

Order number: MPR 120, Order 239\_ Concolidation Coal Co.

The following orders were filed with the Division of the Federal Register on August 30, 1943.

MPR 118, Order 10.... Shelby Cotton Mills. MPR 244, Order 36.... Golden Foundry Co.

Copies of these orders may be obtained from the Office of Price Administration.

ERVIN H. POLLACK, Head, Editorial and Reference Section.

[F. R. Doc. 43-14248; Filed, August 31, 1943; 2:58 p. m.]

Regional, State, and District Office Orders.

[Region I Order G-1 Under SR 14, Amdt. 4]

FIREWOOD IN NEW HALIPSHIRE

Amendment No. 4 to Order No. G-1 under Supplementary Regulation 14 to the General Maximum Price Regulation (New Hampshire) (formerly New Hampshire State Office Price Order No. 1). Firewood.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by section 18 (c) of the General Maximum Price Regulation, It is hereby ordered, That paragraph (4) be added to the section Fa, and that section G, Appendix A, be amended to read as set forth below:

Fa. • •

(4) Amendment No. 4 shall become effective August 7, 1943, at 12:01 a.m.

G. Appendix A: Maximum prices for firewood. The maximum prices for firewood sold or delivered in the State of New Hampshire shall be as follows; Provided, That, for the sale of fitted wood, the seller may add at the rate of one dollar per cord or at the rate of 60 cents per load to the prices established below for wood delivered; And further provided, That the maximum price for a three-quarters, or 60 cubic feet, load shall be three-quarters of the maximum price for the full load of 80 cubic feet.

The classifications of firewood listed herein in Appendix A may be mixed but the maximum price of the mixture shall be the same as the maximum price of the

lowest classification therein.

APPENDIX A-TABLE 1-MAXIMUM PRICES FOR FIREWOOD IN MANCHESTER AND NASHUA. NEW HAMPSHICE

	됩.	g	r ed.	yard .	8	. :	Deliver	ed at l	uyers'	premis	es, grou	nds only	7
	In the weeds	At readelds per ed.	At mill per	At retall yard per ed.	F. O. B.	Per od.	% cd.	}5 cd.	M cd.	Lond 80 cu, ft,	35 load	14 Jond	Bushel
Hardwood cerdwood 4ft	<b>\$</b> 5	\$19		\$12	\$12	\$14	\$7		<b>83.7</b> 5				
Hardwood cerdwood 12", 16", 21" Softwood cerdwood 4ft. Softwood cordwood 12", 16", 24" Hardwood slabwood 4ft. Softwood clabwood 12", 16", 24" 16", 24" Hardwood slabwood 12", 16", 24" Softwood slabwood 12", 16", 24" Softwood waste. Softwood waste.	4	12 6		16 7	14 7	15 8	9	£3. 25	5.00 2.50	139.20	185, 25 	1\$3.CO	138.25
	*****	5	<del></del> श	8	9 8	10 10	5	3.50	3.60 3.60	1 5.50	1 3.25	11.75	23.20
				19 4	19 4	12 6	6 3	4.25	3. <i>5</i> 0 2.00	16.50	13.70	12.00	23.25
			45 41 42	6	6 42 43	8	4		2.50	14.20 6.00 4.00 4.00	1 2.50 3.50 2.25 2.50	11.50 2.00 1.25 1.50	22.20 25 20 20
Bundled edgings.  Bagwood (Si pr. ed. Lo.b. car or truck)	•••••		2.00		3.00	4			С				

Load prices shall not apply to firewood exceeding 16 inches in length.
 Prices at retail yard or mill shall be 5 cents less in each case.
 12-inch wood or less.
 Prices per lead.

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ices for Firewood for All Other New Hamp Listed in Tables 1, 1–a and 1–b of Appendix	I		. o. b. ca	_		619		14.00		9	š	8,00		4.00		_	99	7.0		_	-		
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Table 2-Maximum Prices for Firewood for All Other New Hampshire Communities Not Listed in Tables 1, 1-2 and 1-b of Appendix A				^	ı	Hardwood cordwood—4	Hardwood cordwood 12".	16", 24"	Softwood cordwood-4 ft.	Softwood cordwood 12",	Hardwood slabwood-4	tt.	Hardwood slabwood 12",	Roftwood slabwood 4 (t	Softwood slabwood 12",	16", 24"	Hardwood waste.		Softwood blocks	Barwood (\$4 pr. ed. f. o. b.	car or truck)		
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Table 1-a-Maxidium Prices for Firewood in Portsmoute,		•		Hordwood cordwood-	4 ft	Hardwood cordwood	12", 16", 24"	Softwood cordwood 12"	16".24"	Hardwood slabwood-	4 IL	19" 18" 94"	8	It.	501twood slubwood 12 ,	Hardwood waste	Softwood waste	Softwood blocks	Bundled edgings	Bagwood (\$4 pr. cd.	1. U. D. Ch. O. HUCh/		1 Tood refers shall not apply for fleatened exceeding 18 trappes in longth

I Load prices shall not apply for flrowood exceeding 16 inches in langth, 2 Prices at rotali yard or mill shall be 6 conts less in each case, 3 12-inch wood or less.
I Prices por load.

Load prices shall not apply to firowood exceeding 16 inches in longthi Prices at rotall yard or mill shall be 5 cents less in each case. Prices per load.

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Issued this 6th day of August 1943

Acting Regional Administrator. [F. R. Doc: 43-14237; Filed, August 31, 1943; 12:04 p. m.] the prices specified in the following schedule, whichever are higher. Order No. G-29 under section 18 (c) of the General Maximum Price Regulation. Jewish bread in Chelsea and Revere, Massachusetts. For the reasons set forth in an opinion JEWISH BREAD IN CHELSEA AND REVERE, [Region I Order G-29 Under 18 (c)] MASS. 3 3,20

pszket Bushel

% josq

D801 ₹

Load 80 cu. ft.

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% cg•

% cq.

Per cd.

Der ed. F. O. B.

At retall yard per ed.

At mill pr. ed. A roadside

In the woods pr. cd.

Delivered at buyers' premises, grounds only

Taber 1-b-Maximum Prices for Firewood in Berlin and Gorham, New Hampshire

27.5

JEWISH BREAD

issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I by section 18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33; It is hereby ordered:
(a) The maximum prices established

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12.80

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Hardwood slabwood— 12", 16", 24" Softwood slabwood—4

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Softwood cordwood 12", 16", 24" Hardwood slabwood—

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1\$3.00

1 \$5, 25

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2

Hardwood cordwood 12", 16", 24".

\$4.25 6.00

\$3.25 9,25

\$16.50

\$12.00

\$14.50

\$10 83

cordwood

Hardwood

of Chelsea and Revere, Massachusetts, shall be the seller's maximum prices established by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation or (a) The maximum prices established by §§ 1499.2 and 1499.3 of the General Maximum Price Regulation for Jewish bread sold and delivered in the cities

% .26 Retail Maximum price Whole-% 12. Ryo (sliced or unsliced) 11b. 8 oz. loaf...
Ryo (unsliced) 31b. loaf...
Ryo (unsliced) 31b. loaf...
8 oz. loaf...
Chale (unsliced) 11b. 8 oz. loaf...
Chale (unsliced) 11b. loaf...
Chale (sliced) 11b. 4 oz. loaf... (b) This order applies to all sales pursuant to which the buyer receives physical delivery within the cities of Chelsea or Revere, Massachusetts.
(c) The seller's maximum prices for types or loaves of Jewish bread other than those for which maximum prices

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Segon	<sup>2</sup> Prices at retail yard or mill shall be 5 cents less in each case.	
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\* Prices per load.

are set forth in the schedule of paragraph (a) of this order shall be governed by the General Maximum Price Regulation or other applicable price regulation.

(d) Sellers of Jewish bread for which maximum prices are established by this order shall continue to offer their customary allowances, discounts or other price differentials which were in effect during March 1942.

(e) No additional charges of any kind may be added to the maximum prices established by this order, but lower prices may be charged, offered, demanded or

paid.

- (f) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to the terms used in this order.
- (g) This order shall become effective August 10, 1943, at 12:01 a.m.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 9th day of August 1943.

K. B. BACKMAN, Regional Administrator.

[F. R. Doc. 43-14243; Filed, August 31, 1943; 12:04 p. m.]

[Region VIII Rev. Order G-2 under 18 (c), Amdt. 14]

MILK AT BIG BASIN LODGE, CALIF.

Amendment No. 14 to Revised Order No. G-2 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Revised Order No. 3 under Section 18 (c) as amended of the General Maximum Price Regulation). Adjusted maximum prices of fluid milk and cream at wholesale and retail in certain localities in the State of California.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, It is hereby ordered, That Revised Order No. G-2 under § 1499.18 (c) as amended of the General Maximum Price Regulation (formerly Revised Order No. 3 under section 18 (c) as amended of the General Maximum Price Regulation 18 (c) as amended of the General Maximum Price Regulation) be amended as set forth below:

(a) Schedule C as amended is hereby further amended by inserting after the schedule of prices under the heading "Monterey-Santa Cruz Marketing Area" the following:

Note: At Big Basin Lodge, Big Basin, in Santa Cruz County an additional sum equal to \$0.01 per quart may be charged.

This amendment shall become effective upon issuance.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of August 1943.

Ben C. Duniway,

Acting Regional Administrator.

[F. R. Doc. 43-14238; Filed, August 31, 1943; 12:03 p. m.] [Region VIII Order G-7 Under MPR 165]

FRUIT PACKING, ETC. SERVICES IN WASHINGTON .

Order No. G-7 under Maximum Price Regulation No. 165, as amended. Services.

For the reasons set forth in an opinion issued simultaneously herewith, and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1499.114 (d) of Maximum Price Regulation No. 165, as amended: It is hereby ordered:

(a) The adjusted maximum price for the service or services of packing, drying and dehydrating apples and pears grown in the Counties of Chelan, Okanogan, Douglas, and Grant in the State of Washington, including related services, but not including canning, shall be the sum of the following:

 The highest price charged by the seller for the particular service or services during the 1942-1943 season.

(2) The increase in direct labor costs and direct material costs in rendering the service or services during the current season over such costs during the 1942–1943 season.

(3) The increase in incidental and overhead costs over the incidental and overhead costs allocated to the same unit of service during the 1942-1943 season using the same method of charging and allocating such costs as was used during the 1942-1943 season: Provided, however, That this item shall not include any increase in the total amount of executives' salaries or bonuses charged to the particular service.

(b) Any seller whose records, prior to the date of this order, have been lost or destroyed, and who as a consequence cannot determine the increase in costs mentioned in paragraph (a) above, shall determine his adjusted maximum price by adding to the highest price charged by him, during the 1942–1943 season for the particular service, the same increased costs added by his closest competitor of the same class who has determined an adjusted maximum price under paragraph (a) above for the same service.

(c) The adjusted maximum price for a service which was not performed by a particular seller during the 1942–1943 season shall be the adjusted maximum price established under paragraph (a) or (b) above, for the same service by his most closely competitive seller of the same class.

(d) A seller may estimate his adjusted maximum price upon the above basis and announce at the start of the particular season a tentative "retain", or charge; but no payment shall be made or received in excess of the adjusted maximum price established by paragraphs (a), (b) or (c) above.

(e) Any seller taking advantage of the provisions of this order shall, within 30 days after the close of the particular season, prepare a signed statement, and keep it available for inspection by the Office of Price Administration at any time, showing the following:

(1) A description of the particular service:

(2) The highest price charged during the 1942-1943 season by the seller;

(3) The seller's adjusted maximum price determined under the provisions of this order:

(4) The increase in direct labor, direct material costs, and incidental and overhead costs, in rendering the service during the current season, over such costs during the 1942-43 season: Provided, however, That if the seller has determined his adjusted maximum price under paragraphs (b) or (c) above he shall set forth the name and address of his closest competitor of the same class and in addition, if paragraph (b) above is used, the competitor's increase in costs over the 1942-1943 season in rendering the particular service.

(f) Definitions. (1) "Direct material costs" as herein used means costs of materials, not to exceed the applicable maximum prices, used directly in performing the service, and does not include, for instance, cost of plant im-

provements or repairs.

(2) "Direct labor costs" as herein used means wages paid employees performing services directly in the matter of the packing, drying, dehydrating and related services, and does not include, for instance, salaries of executives, office employees or employees engaged in plant repair and maintenance. The portion of any wage paid in excess of that permitted by existing law shall not be used in the calculation

in the calculation.
(3) "Incidental and overhead costs" as herein used, means indirect costs such as drayage, insurance, rent, power, administration and similar items of expense, but does not include any element of profit, dividends or other proprietary

gain.

(4) "1942-1943 season" as herein used means any period during the year beginning April 1, 1942, and ending March 31, 1943.

(g) This order may be revoked, amended or corrected at any time.

This order shall become effective August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of August 1943.

Ben C. Duniway,
Acting Regional Administrator.

[F. R. Doc. 43-14241; Filed, August 31, 1943; 12:03 p. m.]

[Region VIII Order G-18 Under MPR 329]
FLUID MILK IN WASHINGTON

Order No. G-18 under Maximum Price Regulation No. 329. Purchases of milk from producers for resale as fluid milk.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by § 1351.403 of Maximum Price Regulation No. 329; It is hereby ordered:

(a) The maximum price at which any person whose place of business is located in Yakima County in the State of Washington may purchase milk from a pro-

ducer located in Yakima or Benton County, Washington, who did not sell milk during January 1943, shall not be in excess of that set forth below:

(1) For purchases of milk from producers delivered to purchaser's place of business, the maximum price shall be for "B" grade milk, \$0.80 per pound of but-terfat content, and for "E" grade milk, \$0.76 per pound of butterfat content.

(2) For purchases of milk from producers f. o. b. producer's dairy, the adjusted maximum price shall be the price specified in sub-division (1) of this paragraph (a), minus an allowance for transporting the milk purchased from the pro-ducer's dairy to the purchaser's business location, computed as follows:

(i) Where the milk is transported by means of a carrier not operated or controlled by either the producer or the purchaser, the transportation allowance shall be equal to the amount actually paid to the carrier for the transportation

service.

(ii) In all other cases an allowance not less than the lowest motor truck common carrier rate for the same or most similar haul.

(b) Definitions. (1) The term "B grade milk" means milk meeting the qualifications for B grade milk as set forth in the city of Yakima Standard Milk Ordinance.

(2) The term "E grade milk" means milk produced under sanitary conditions as rigid as those approved for "emergency milk" by the Yakima City Health, Department.

(3) All other terms used in this order shall have the same meaning as in Maximum Price Regulation No. 329, unless the context clearly requires otherwise.

(c) This order may be amended or revoked by the Office of Price Adminis-

tration at any time.

This order shall become effective upon

(Pub. Laws 729, and 421, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of August 1943. BEN C. DUNIWAY, Acting Regional Administrator.

[F. R. Doc. 43-14242; Filed, August 31, 1943; 12:03 p m.]

[Region VIII Order G-5 Under 18 (c), Amdt. 1]

DRIED BLOOD AND BLOOD MEAL FOR PLY-WOOD PRODUCTS

Amendment No. 1 to Order No. G-5 under § 1499.18 (c), as amended, of the General Maximum Price Regulation. Adjusted maximum prices of dried blood and blood meal sold for production of plywood products.

For the reasons set forth in an opinion issued simultaneously herewith, and pursuant to and under the authority vested in the Regional Administrator of the Office of Price Administration by the Emergency Price Control Act of 1942, as amended, and § 1499.18 (c) of the Gen-

eral Maximum Price Regulation, as amended; It is hereby ordered, That Order No. G-5 under § 1499.18 (c) as amended, of the General Maximum Price Regulation (formerly Order No. 6 under section 18 (c) of General Maximum Price Regulation as amended) be amended in

the following particulars:
(a) The word "Revised" is inserted immediately before the words "Maximum Price Regulation No. 74" wherever such latter words appear in Order No. G-5.

This Amendment No. 1 shall become effectivé August 5, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 5th day of August 1943. L. F. GENTNER, Acting Regional Administrator.

[F. R. Doc. 43-14240; Filed, August 31, 1943; 12:04 p. m.]

[Region VIII Order G-37 Under 18 (c)] FIREWOOD IN SPOKANE, WASH.

Order No. G-37 under § 1499.18 (c) as amended of the General Maximum Price Regulation. Certain firewood in Spokane, Washington.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of the Office of Price Administration by section 18 (c) as amended of the General Maximum Price Regulation; It is hereby ordered:

(a) The maximum prices for certain sales and deliveries of specified kinds of firewood in Spokane, Washington, and in the area within 15 miles of the corporate limits thereof, as established by sections 2 and 3 of the General Maximum Price Regulation or by any previous order issued pursuant to such regulation or to any supplementary regulation thereto, are hereby modified so that the maximum prices therefor shall be the prices set forth in paragraphs (b) and (c).

(b) The maximum prices for sales of the specified kinds of firewood, delivered to the premises of the consumer in the City of Spokane, Washington, shall be as follows:

(1) For fir and tamarack forest wood, green-seasoned or dry-cut, and fir and tamarack tie slabs:

Length of wood	Unit of sale	Maxi- mum price
4 ft. or longer	Cord	\$12.50
		12.25
16 in. or shorter	128 cu. ft. load, loose measure.	12.25
16 in. or shorter	64 cu. ft. load, loose-	6.75
*	measure.	
24 in	1 Rick	8, 25
24 in	2 Ricks	15.25
16 in	1 Rick	6.35
	2 Ricks	11.45
16 in	2 It lubs	
16 in	3 Ricks	16.30
12 in	1 Rick	5.35
12 in	2 Ricks	9.45
12 in	3 Ricks	13.30
12 in	4 Ricks	16,90

(2) For pine forest wood, greenseasoned or dry-cut, and pine tie slabs:

Length of wood	Unit of sale	Maxi- mum price
4 ft. or longer	Cord	\$12.00 11.70 6.40 8.66 14.76 6.10 10.95 15.55 5.10 8.95 12.55

(c) For sales of the specified kinds of firewood in the area outside of the City limits of Spokane, Washington, but within a radius of 15 miles thereof, the maximum price delivered to the premises of the consumer shall be those specified in paragraph (b): Provided, however, That any seller of firewood may add to such prices any charges for delivery outside of the corporate limits of the City of Spokane, where such delivery charges were made by the seller during March, 1942, provided such delivery charge is separately stated in the seller's

invoice or receipt to the purchaser.

(d) If in March, 1942, the seller had an established practice of giving allowances, discounts, or other price differentials to certain classes of purchasers, he must continue such practice, and the maximum prices fixed by this order must be reduced to reflect such allowances,

discounts, and other price differentials.
(e) Violations of this order shall subject the violator to all of the criminal and civil penalties provided by this Emergency Price Control Act of 1942, as amended.

(f) This order may be revoked. amended, or corrected at any time.

This order shall become effective upon

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7671)

Issued this 7th day of August 1943. BEN C. DUNIWAY, Acting Regional Administrator.

[F. R. Doc. 43-14244; Filed, August 31, 1943; 12:05 p. m.]

[Region IV Order G-4 Under MPR 154]. ICE IN NORTH CAROLINA

Order number G-4 under Maximum Price Regulation No. 154, as amended-Ice. Adjustment of maximum prices of sales of ice by Wood Grocery Company, a corporation, and the dealers purchasing from said company in Wake, Johnston, Harnett, Wilson, Cumberland and Sampson Counties, North Carolina.

For the reasons set forth in an opinion issued simultaneously herewith and under authority vested in the District Director of the Office of Price Administration, Raleigh, North Carolina, by order issued by the Atlanta Regional Office pursuant to § 1393.8 (e) of Maximum Price Regulation No. 154, as amended; It is hereby ordered:

(a) On and after the effective date of this order the maximum price for blocks of 300 pounds of ice sold by the Wood Grocery Company, a corporation, to its dealers on a delivered basis in the Counties of Wake, Johnston, Harnett, Wilson, Cumberland and Sampson, North Carolina, shall be 80¢ per block.

(b) On and after the effective date of this order the maximum prices for sales of ice imade by the Wood Grocery Company to others than its dealers and for sales made by dealers of the Wood Grocery Company in the Counties of Wake, Johnston, Harnett, Wilson, Cumberland and Sampson, North Carolina, irrespective of whether such sales be deemed retail or wholesale shall be as follows:

Amount sold	Platform prices	Delivered prices
25 lbs	\$0.10 .20 .30 .40 .60 .80 1.20	\$0.15 .25 .40 .50 .75 1.00

(c) Definitions. Unless the context otherwise requires, the definitions set forth in § 1393.10 of Maximum Price Regulation No. 154, as amended, shall apply to the terms used herein.

(d) Every seller whose maximum prices for ice are established by this order shall keep posted at a conspicuous place in his place of business a copy of this order.

(e) If the maximum prices fixed by this order are less than the maximum prices heretofore or hereafter established by any other order issued by the Raleigh, North Carolina District Office of the Office of Price Administration and if such other order covers the Wood Grocery Company or any of its dealers, either specifically or generally, in any or all of the territory covered by this order the highest prices established by either this or such other order shall be the prevailing maximum prices.

(f) Except as otherwise provided herein all transactions subject to this order shall remain subject to all of the provisions of Maximum Price Regulation No. 154, as amended, together with all amendments and orders that have been heretofore issued or may be hereafter issued.

(g) The Wood Grocery Company shall make written annual reports to the Raleigh District Office of the Office of Price Administration. Said reports shall contain a complete profit and loss statement relative to the ice operations of the Wood Grocery Company, shall be submitted on or before January 31st of each year and shall cover the period of operation for the preceding calendar year January 1 to December 31. The first such report shall be submitted on or before January 31, 1944, and shall cover the period from the effective date of this order to December 31, 1943.

(h) This order may be revoked, amended, or corrected at any time.

This order shall become effective August 9th, 1943.

(Pub. Laws 421 and 729, 77th Cong.; E.O. 9250, 7 F.R. 7871)

Issued this 7th day of August 1943.
THEODORE S. JOHNSON,
District Director.

[F. R. Doc. 43-14239; Filed, August 31, 1943; 12:05 p. m.]

[Region I Order G-28 Under 18 (c)]

FISH BARRELS IN ARIA FROM BOOTHDAY TO KITTERY, MAINE

Order No. G-28 under section 18 (c) of the General Maximum Price Regulation. Fish barrels delivered in coastal area from Boothbay to Kittery, Maine.

For the reason set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region I of the Office of Price Administration by § 1499.18 (c) of the General Maximum Price Regulation, as amended by Amendment No. 33, It is hereby ordered:

(a) The maximum prices established by § 1499.2 of the General Maximum Price Regulation for fish barrels delivered in the coastal area extending from the town of Boothbay to the town of Kittery, Maine, are modified so that the maximum prices for such barrels shall be as follows:

Gents each (delivered to the purchaser)

New or reconditioned 50 lb. fish barrels. 75 New or reconditioned 75 lb. or 100 lb. fish barrels. 91

(b) As used in this order the term "reconditioned fish barrel" means a used fish barrel which has been put into sound condition so that its serviceability is fairly equivalent to that of a new barrel of similar size.

(c) This order applies to all sales pursuant to which the buyer receives physical delivery within the coastal area extending from the town of Boothbay to the town of Kittery, Maine.

(d) The maximum prices for fish barrels other than those for which maximum prices are established by this order shall be governed by the General Maximum Price Regulation or other applicable price regulation.

(e) Sellers of fish barrels for which maximum prices are established by this order shall continue to offer their customary allowances, discounts or other price differentials which were in effect during March 1942.

(f) No additional charges of any kind may be added to the maximum prices established by this order, but lower prices may be charged, offered, demanded or

(g) Unless the context otherwise requires, the definitions set forth in the General Maximum Price Regulation shall apply to terms used in this order.

(h) This order shall become effective August 7, 1943, at 12:01 a.m.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 6th day of August 1943.

FRANK O'NEIL,

Acting Regional Administrator.

[P. R. Doc. 43-14250; Filed, August 31, 1943; 2:53 p. m.]

[Region III Order G-32 Under 18 (c)]
CHARCOLL IN SCIOTO, LAWRENCE, JACKSON AND GALLIA COUNTIES, OHIO, AND BOYD COUNTY, KY.

Order No. G-32 under § 1499.18 (c) of the General Maximum Price Regulation. Adjustment of maximum prices for charcoal producers in the counties of Scloto, Lawrence, Jackson and Gallia in the State of Ohio and the county of Boyd in the State of Kentucky.

For the reasons set forth in an opinion issued simultaneously herewith and under the authority vested in the Regional Administrator of Region III of the Office of Price Administration by \$1499.18 (c) of the General Maximum Price Regulation. It is hereby ordered:

Price Regulation, It is hereby ordered:

(a) That any producer of charcoal within the Counties of Scioto, Lawrence, Jackson and Gallia, in the State of Ohio and the County of Boyd in the State of Kentucky, may charge and receive not to exceed 23¢ per bushel for charcoal sold to and delivered at the warehouse of any jobber or wholesaler of industrial charcoal, within the aforementioned counties.

(b) That any producer of charcoal within said counties, whose present legally established maximum price for charcoal is in excess of 23¢ per bushel, may continue to charge and receive such higher legally established maximum price.

(c) This order is limited to sales and deliveries of charcoal produced within the designated counties and sold and delivered to any jobber or wholesaler of industrial charcoal within said counties.

(d) This order may be modified, amended or revoked at any time by the Office of Price Administration.

This order shall become effective August 9, 1943.

(Pub. Laws 421 and 729, 77th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued August 9, 1943.

BIRKETT L. WILLIALIS, Regional Administrator.

[F. R. Dec. 43-14251; Filed, August 31, 1943; 2:53 p. m.]

[Region IX—Order 1 Under MPR 418]
FRESH SALMON IN ALASKAN SALMON
GROUNDS

Order No. 1 under Maximum Price Regulation No. 418. Fresh fish and seafood.

An opinion accompanying this order issued simultaneously herewith, has been filed with the Division of the Federal Register.

Pursuant to the authority contained in section 2 (c) of Maximum Price Regulation 418 the Regional Office for the Ninth Region is hereby establishing maximum prices for fresh salmon on fishing grounds in and off the Territory of

The maximum prices for fresh salmon sold in Alaskan fishing grounds shall be determined by deducting the following amounts from the maximum prices established in Maximum Price Regulation 418 at the Alaskan port of entry to which the fish are delivered:

Amount to be deducted

Sched. No. and Size: (per lb.) 27—Salmon, Chinook or King (Pacific coast) troll caught (oncorhynchus tscharwtocha), 14 lb. or over \_\_\_\_\_ .... 80. 03 Red meated, under 14 lb\_\_\_\_\_ .02

White meated, all sizes\_\_\_\_\_\_28—Salmon, silver (Pacific coast) troll caught (oncorhynchus kisutch), all sizes\_\_\_\_\_\_ .02

This Order No. 1 shall become effective August 30, 1943.

(56 Stat. 23, 765; Pub. Law 151, 78th Cong., E.O. 9250, 7 F.R. 7871, E.O. 9328, 8 F.R. 4681)

Issued this 28th day of August 1943.

WALLACE M. COHEN, Acting Regional Administrator.

[F. R. Doc. 43-14249; Filed, August 31, 1943; 2:56 p. m.]

LIST OF COMMUNITY CEILING PRICE ORDERS UNDER GENERAL ORDER NO. 51

The following orders under General Order No. 51 were filed with the Division of the Federal Register on August 30, 1943.

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Detroit Order No. 5, Amendment No. 7, Filed 12:25 p. m.

Duluth-Superior Order No. 6, Filed 12:21

p. m. Fargo-Moorehead Order No. 9, Filed 12:21

Green Bay Order No. G-5, Amendment No. 1, Filed 12:23 p. m.

Green Bay Order No. 11, Filed 12:23 p. m. Bismarck Order No. 6, Filed 12:24 p. m. Bismarck Order No. 10, Filed 12:24 p. m.

**37TT** 

New Mexico Order No. 10, Filed 12:24 p. m.

Los Angeles Order No. S. B.-1, Filed 11:57 a. m.

Los Angeles Order No. S. B.-1, Correction Filed 11:59 a. m. Seattle Order No. 14, Filed 12:23 p. m.

Copies of these orders may be obtained

from the issuing offices.

ERVIN H. POLLACK. Head, Editorial and Reference Section.

[F. R. Doc. 43-14306; Filed, September 1, 1943; 11:42 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File Nos. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORPORA-TION (DELAWARE).

#### NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of August 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a

registered holding company. Notice is further given that any interested person may, not later than September 9, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Commonwealth proposes, subject to the approval of the Commission, to pay a dividend of 75¢ per share, an aggregate of \$1,111,500, on the outstanding shares of its preferred stock. The dividend was declared on August 24, 1943 and is payable on the 28th day after approval by this Commission, to stockholders of record at the close of business on the 14th day after such approval. The pending application is similar in substance to an earlier application approved by the Commission on June 24, 1943 covering a proposed distribution of \$3 per share to preferred stockholders (see Holding Company Act Release No. 4383).

The application states that the funds required for the proposed payment of othe dividend of 75¢ per share on the presently outstanding shares of Commonwealth's preferred stock are now on hand and are not required for any corporate purpose of Commonwealth other than the payment of dividends...

The application states that the payment of the proposed dividend will not impair the financial integrity or working capital of Commonwealth, as after the making of such payment it will have current assets substantially in excess of all current liabilities.

Applicant considers sections 11 and 12 (c) of the Act and Rule U-46 as applicable to the proposed transaction. By the Commission.

[SEAL]

ORVAL L. DUBOIS. Secretary.

[F. R. Doc. 43-14246; Flied, August 81, 1943; 2:40 p. m.]

[File Nos. 54-75, 70-726]

THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE)

NOTICE OF FILING OF SUPPLEMENTAL APPLI-CATION AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 27th day of August 1943.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Commonwealth proposes, subject to approval of the Commission and in furtherance of its "Plan to Change the Capitalization of The Commonwealth & Southern Corporation" (Plan), filed with the Commission on April 20, 1943 (Holding Company Act Release No. 4294), to reacquire for cancellation 32,627 shares of its presently outstanding preferred stock; said shares to be reacquired within a period not to exceed 9 months from the date of the Commission's order authorizing such purchases, subject, however, to the right of Commonwealth to apply for an extension or extensions of such period.

Authorization of the proposed acquisition of its outstanding preferred stock is sought under sections 11 and 12 (c) of the Act and Rule U-42 thereunder and as a further step towards compliance with the provisions of section 11 (b) (2) of the Act and the one stock order of the Commission, dated April 9, 1942.

The application states that Commonwealth presently has available the sum of \$2,500,000 which is not required for any corporate purpose other than the purchase and retirement of shares of its preferred stock. The application further states that all purchases of stock will be effected on the New York Stock Exchange except that blocks of 500 or more shares may be purchased otherwise than on said Exchange, provided that notice of intention to effect each such purchase otherwise than on said Exchange, together with a statement of identity of the seller, the price proposed to be paid and any fees or commissions to be incurred by Commonwealth in connection therewith, shall have been given to the Commission (by letter, telephone or other appropriate means of communication) and Commonwealth shall not have

been advised by the Commission that it intends to issue an order to show cause why such purchase should not be consummated. Commonwealth will not solicit or cause to be solicited the sale of any shares to it either on or off said Exchange.

The application further states that Commonwealth will mail at least 7 days before purchases are commenced to the holders of record of its preferred stock a letter advising them of its intention to make such purchases in accordance

with the Commission's order.

The application further states that the proposed purchase and retirement of shares of its outstanding preferred stock will not impair the financial integrity or working capital of Commonwealth as after the making of such purchases and the payment of a proposed dividend of 75¢ per share on its preferred stock (In accordance with a pending application before the Commission) it will have current assets substantially in excess of all current liabilities.

Commonwealth has requested that this application be granted before completion of the hearings on the Plan and at as early a date as it is practicable for the Commission to enter the order

requested.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, and that the declaration shall not become effective nor the application be granted except pursuant to further order of this Commission; and

It is ordered, That a hearing on the application or declaration (or both) be held in the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 a.m., e. w. t., on the 9th day of September 1943, in such room as may be designated at such time by the Hearing Room Clerk in Room 318.

All persons desiring to be heard or otherwise wishing to participate should notify the Commission in the manner provided by the Commission's Rules of Practice, Rule XVII, on or before September 7, 1943:

It is further ordered, That William W. Swift, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing above ordered. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Act and to a Trial Examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of this Commission shall serve notice of this order by mailing a copy thereof by registered mail to The Commonwealth & Southern Corporation and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of the issues presented by said application or declaration (or both),

particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the proposed expenditure for the purpose of reacquisition of Commonwealth's outstanding preferred stock in the manner proposed in this application is appropriate and consistent with all applicable requirements of the Act, the Rules thereunder and the Commission's order of April 9, 1942.

(2) Whether any terms and conditions are necessary in the public interest and for the protection of investors and consumers to prevent the circumvention of the provisions of the Act or of the Rules, Regulations or Orders thereunder.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-14247; Filed, August 31, 1943; 2:40 p. m.]

[File No. 70-780]

Associated Gas and Electric Co.
NOTICE REGARDING FILING

In the matter of Stanley Clarke, trustee of Associated Gas and Electric Company.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 30th day of August 1943.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-

named party; and

Notice is further given that any interested person may, not later than September 7, 1943, at 5:30 p. m., e. w. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration, as filed or as amended, may become effective, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Trustee has presently outstanding Trustee's Certificates in the principal amount of \$75,000, which mature on September 13, 1943. The Trustee proposes to enter into an agreement with the holders of the certificates extending the maturity date to December 1, 1943, and if said certificates are not paid by December 1, 1943, then to September 13, 1944.

The declarant has requested the Commission to issue its order permitting the declaration to become effective not later than September 10, 1943.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-14245; Filed, August 31, 1943; 2:40 p. m.]

PENNSYLVANIA ELECTRIC Co., ET AL. [File Nos. 70-707, 70-760]

SUPPLEMENTAL ORDER AND ORDER RELEASING JURISDICTION OVER LEGAL FEES

In the matter of Pennsylvania Electric Company, Erie County Electric Company, Associated Electric Company, File No. 70-707; and Pennsylvania Electric Company, File No. 70-760.

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on

the 31st day of August 1943.

Pennsylvania Electric Company, a subsidiary of Associated Electric Company, a registered holding company, having filed applications, and amendments thereto, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, for exemptions from the provisions of Section 6 (a) thereof of the issue and sale, in accordance with Rule U-50 promulgated under the Act, of \$4,000,000 principal amount of first mortgage bonds, dated September 1, 1943, and maturing September 1, 1973, and of 35,000 shares of \$100 par value cumulative preferred stock; and

The Commission having by order dated August 21, 1943, granted such applications, as amended, pursuant to section 6 (b) of the Act, subject to the provisions that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental orders as the Commission may enter in view of the facts disclosed thereby; and

Pennsylvania Electric Company having made such report to the Commission in the form of a further amendment to the application therein, setting forth the action taken to comply with Rule U-50 and specifying the proposals which have been received for the purchase of said bonds and said preferred shares pursuant to the invitation for competitive bids, and stating that Pennsylvania Electric Company has accepted a bid for said bonds from a group of underwriters headed by Salomon Bros. & Hutzler of 105.577, plus accrued interest from September 1, 1943, to the date of delivery, such bonds to bear interest at the rate of 31/2%, and that said bonds are to be resold to the public at 106.50, plus accrued interest from September 1, 1943, to the date of delivery, representing a spread to the underwriters of 0.923; and further stating that Pennsylvania Electric Company has accepted a bid for said preferred shares from a group of underwriters headed by Smith, Barney & Co. of 103.516, plus accrued dividends from September 1, 1943, to the date of delivery, such preferred shares to have a cumulative accrued dividend rate of 4.40%, and that said preferred shares are to be resold to the public at 105.25, plus accrued dividends from September 1, 1943, to the date of delivery, representing a spread to the underwriters of 1.734; and

The Commission having examined the record and finding no basis for imposing terms and conditions with respect to the price, spread and distribution thereof, at which such bonds and preferred shares are to be issued and sold; and

The Commission having reserved jurisdiction over the fees to be paid Davis Polk Wardwell Sunderland & Kiendl, independent counsel to the prospective purchasers of the said securities; and it appearing that such fee is not unreasonable and that jurisdiction thereover should be released:

It is ordered, That said applications, as amended, be and hereby are granted forthwith, subject to the terms and conditions contained in the said order of the Commission in this matter dated July 26, 1943.

It is further ordered, That jurisdiction over the fee of Davis Polk Wardwell Sunderland & Kiendl in connection with said applications, be and hereby is released.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-14317; Filed, September 1, 1943; 11:51 a. m.]

[File Nos. 70-753, 70-752]

IDAHO POWER CO. AND ELECTRIC POWER & LIGHT CORP.

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND PARTIALLY RELEASING JU-RISDICTION PREVIOUSLY RESERVED

In the Matter of Idaho Power Company and Electric Power & Light Corporation, File No. 70-753; and Electric Power & Light Corporation, File No. 70-752

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 31st day of August, A. D. 1943.

The Commission having hitherto issued its orders in the above entitled consolidated proceeding, one of which (Holding Company Act Release No. 4458), issued July 29, 1943, granted an exemption from the competitive bidding requirements of Rule U-50 for the proposed sale by Electric Power & Light Corporation ("Electric") of the common stock of Idaho Power Company ("Idaho") subject to a reservation of jurisdiction over the terms and conditions of such sale; and the other of which (Holding Company Act Release No. 4494), issued August 14, 1943, granted and permitted to become effective joint applications and declarations of Electric and Idaho relating principally to a proposed capital contribution by Electric to Idaho and reduction of capital by Idaho to facilitate adjustments in its accounts required by regulatory authorities, a split-up of the common stock of Idaho, and charter and by-law amendments adjusting the voting rights of the preferred and common stockholders of Idaho; and

Electric having filed amendments to its separate filing herein with respect to the sale of the common stock of Idaho stating that it proposes to accept the offer of Blyth & Co., Inc. and Lazard Freres & Co., on behalf of and as representatives of an underwriting group, to purchase said common stock of Idaho at an aggregate price of \$10,361,250, or \$23.025 a share for the 450,000 shares, which shares of common stock will be offered to the public by such underwriting group at \$24.625 a share; and

Electric having requested, in the event an order of the Commission shall be entered permitting the declaration herein to become effective that such order contain the provisions, recitals, specifications and itemizations described in sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended; and

The Commission having on August 28, 1943, issued its Notice of Filing of Amendment and Order Reconvening Hearing, a public hearing having been held in accordance therewith, and the Commission having considered the record and having made and filed its Findings and Opinion herein; and

The Commission specifically finding that the proposal of Electric to sell said 450,000 shares of Common Stock of Idaho is necessary and appropriate to the integration or simplification of the holding company system of which Electric is a member, and necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, all in accordance withthe meaning and requirements of sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended:

Internal Revenue Code, as amended;

It is ordered, That said declaration of Electric, as amended, in so far as it relates to said sale of the Common Stock of Idaho be and the same hereby is permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24 and subject to the additional condition that the existing service contract between Idaho and Ebasco Services Incorporated be promptly terminated and that Idaho shall not hereafter enter into a service contract with Ebasco Services Incorporated for any managerial, supervisory or other continuing services.

It is further ordered, That the sale and transfer by Electric of the 450,000 shares of Common Stock of Idaho upon the terms and conditions set forth herein, is necessary and appropriate to the integration or simplification of the holding company system of which Electric is a member, and necessary and appropriate to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, within the meaning and requirements of sections 371 (b), 371 (f) and 1808 (f) of the Internal Revenue Code, as amended.

It is further ordered, That jurisdiction be, and it hereby is, reserved over the final accounting treatment which Electric is to accord said sale of the Common Stock of Idaho.

It is further ordered, That jurisdiction be, and it hereby is, reserved with

respect to the proposals made by Electric in its filing herein as to its proposed use of the proceeds of said sale in the acquisition of its outstanding debentures.

It is further ordered, That the jurisdiction reserved in the said order of this Commission dated July 29, 1943 (Holding Company Act Release No. 4458) granting the application made by Electric herein, that the sale by it of the common stock of Idaho be exempt from the competitive bidding requirements of Rule U-50 be, and the same hereby is, released except as, and subject to the terms and conditions, otherwise provided in this order.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-14319; Filed, September 1, 1943; 11:51 a. m.]

[File No. 70-772]

SOUTHWESTERN PUBLIC SERVICE COMPANY AND GUS B. WALTON

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania on the 31st day of August, A. D. 1943.

Southwestern Public Service Company, a registered holding company, having filed a declaration with the Commission, pursuant to the Public Utility Holding Company Act of 1935 and particularly section 12 (d) thereof, regarding the proposed sale by sald company of all the outstanding securities of Arkansas Utility Company, a public utility subsidiary company of said Southwestern Public Company, such securities consisting of First Mortgage 4% bonds, Series A, due June 1, 1971, in the principal amount of \$1,000,000, and 100,000 shares of common stock of the par value of \$5.00 per share, to Gus B. Walton, an individual, for a basic consideration of \$1,725,000 in cash, subject to certain adjustments more particularly set forth in said declaration;

Said Southwestern Public Service Company having incorporated in said declaration an application for an order exempting said proposed sale of securities, pursuant to paragraph (a) (5) of Rule U-50, from the competitive bidding requirements of paragraph (b) of said Rule;

Said Gus B. Walton having filed an application with the Commission, pursuant to sections 9 (a) (2) and 10 of said Act, for approval of the acquisition by him of the securities so proposed to be sold by Southwestern Public Service Company for the consideration hereinabove recited;

Proceedings upon said declaration and application of Southwestern Public Service Company and upon said application of Walton having been heretofore, by order entered herein on August 17, 1943, consolidated for the purpose of hearing;

The City of Helena, a municipal corporation, organized and existing under the laws of the State of Arkansas, having intervened in said consolidated proceedings and having become a party thereto, requesting that action upon said applications and declaration be postponed pending the taking of appropriate legal steps by said city looking to acquisition by it of the physical properties of said Arkansas Utilities Company;

A public hearing having been held upon said declaration and applications, after appropriate notice, and the Commission having considered the facts and made and filed its findings herein;

made and filed its findings herein;

It is ordered, That said declaration of Southwestern Public Service Company be, and the same is hereby permitted to become effective forthwith and said applications of said Southwestern Public Service Company and of said Gus B. Walton be, and the same are hereby granted:

Provided, That said declaration is permitted to become effective, and said applications are granted subject to terms and conditions prescribed by Rule U-24.

By the Commission.

[SEAL]

ORVAL L. DuBois, Secretary.

[F. R. Doc. 43-14318; Filed, September 1,-1943; 11:51 a. m.]

#### WAR PRODUCTION BOARD.

[Serial No. 18038A]

MONTGOMERY, ALA., HIGHWAY PROJECT CANCELLATION OF REVOCATION ORDER

Builder: Alabama State Highway Department, Montgomery, Alabama. Project: That portion of Project No. DA-WR 3A(1), covering the 22'6' west 2-lane section including the median strip and the sidewalk and gutter on that side.

The revocation of preference rating issued on June 19, 1943, Serial No. 18038A is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued September 1, 1943.

War Production Board, By J. Joseph Whelan, Recording Secretary.

[F. R. Doc. 43-14297; Filed, September 1, 1943; 11:18 a. m.]

[Serial No. 25267]

MONTGOMERY, ALA., HIGHWAY PROJECT CANCELLATION OF REVOCATION ORDER

Builder: Alabama State Highway Department, Montgomery, Alabama. Project: 22'6" west 2-lane section including the median strip and the sidewalk and gutter on that side.

The revocation of preference rating issued on July 2, 1943, Serial No. 25267 is hereby cancelled; the preference ratings previously assigned are hereby restored; and said preference ratings shall have full force and effect.

Issued September 1, 1942.

WAR PRODUCTION BOARD, By J. JOSEPH WHELAN, Recording Secretary.

[F. R. Doc. 43-14298; Flied, September 1, 1943; 11:10 a. m.]

### [Certificate 120]

COMMON CARRIERS BETWEEN LITTLE ROCK AND GATEWAY, ARK.

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL:

I submit herewith Supplementary Order ODT 3, Revised-55, issued by the Director of the Office of Defense Transportation with respect to coordination of operations by certain common carriers of property by motor vehicle between Little Rock and Gateway, Arkansas, and intermediate points.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve said order; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with Supplementary Order ODT 3, Revised-55, is requisite to the prosecution of the war.

Donald M. Nelson, Chairman.

AUGUST 30, 1943.

[F. R. Doc. 43-14296; Filed, September 1, 1943; 11:38 a. m.]

## [Certificate 121]

TRANSPORTATION AND DELIVERY OF DAIRY PRODUCTS IN NORWALK, OHIO

APPROVAL OF ODT- ORDER

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of dairy products by motor vehicle in Norwalk, Ohio.<sup>1</sup>

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in

compliance with such joint action plan is requisite to the prosecution of the war.

Donald M. Nelson,

Chairman.

August 30, 1943.

[F. R. Doc. 43-14239; Filed, September 1, 1943; 11:33 a. m.]

[Certificate 122]

TRANSPORTATION AND DELIVERY OF DAIRY PRODUCTS IN LAMAR, COLO.

APPROVAL OF ODT ORDER

The ATTORNEY GENERAL:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by Riverside Dairy and others named therein with respect to the transportation and delivery of dairy products by motor vehicle in Lamar, Colorado.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

Donald M. Nelson, Chairman.

AUGUST 30, 1943.

[P. R. Doc. 43-14300; Filed, September 1, 1943, 11:33 a. m.]

### [Certificate 123]

TRANSPORTATION AND DELIVERIES OF NEWS-PAPERS OF WASHINGTON, D. C.

APPROVAL OF ODT ORDER

The Attorney General:

I submit herewith a recommendation of the Director of the Office of Defense Transportation concerning a plan for joint action by the persons named therein with respect to the transportation and delivery of newspapers by motor vehicle in Washington, D. C., and neighboring municipalities in Maryland and Virginia.

For the purposes of section 12 of Public Law No. 603, 77th Congress (56 Stat. 357), I approve the joint action plan described in the recommendation; and after consultation with you, I hereby find and so certify to you that the doing of any act or thing, or the omission to do any act or thing, by any person in compliance with such joint action plan is requisite to the prosecution of the war.

DONALD M. NELSON,

Chairman.

August 30, 1943.

[F. R. Doc. 43-14391; Filed, September 1, 1943; 11:34 a. m.]

<sup>&</sup>lt;sup>1</sup> Supra,